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DAVID HAJDU

WHY JOHN KERRY CAN
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THE NEW REPUBLIC

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CONSCIENCE OF A CONSERVATIVE: WHY I CAN'T VOTE FOR GEORGE W. BUSH

BY ROBERT A. GEORGE

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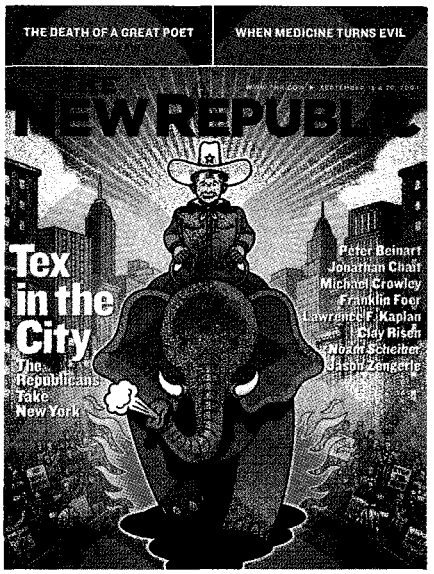

CASH BACK

JONATHAN CHAIT UNDERMINES HIS critique of President Bush's "ownership society" by misrepresenting the proposed reforms as an attempt by Bush to "redistribute wealth upward" ("Up and Away," September 13 & 20). It is true that some of the proposals mentioned by Chait, such as the expansion of tax-sheltered retirement savings plans, may practically result in reducing (by a relatively small percentage) the redistribution of wealth downward. Reducing the redistribution of wealth downward, however, is not equivalent to redistributing wealth upward. As an illustration, take the roster of the New York Yankees. No matter what those wealthy athletes deduct or shelter from their taxes now or in the future, because of the Alternative Minimum Tax, the combined taxes of those 25 individuals will amount to tens of millions of dollars annually. That money subsidizes thousands of units of housing, food stamps, health care, et cetera, from which none of the players will benefit directly. No aspect of Bush's "ownership society" proposes the elimination of the Alternative Minimum Tax, and we therefore should not expect the redistribution of wealth upward anytime soon.

SIMON RABINOVITCH
Cambridge, Massachusetts

OUT OF THE FRYING PAN

IT WAS NICE TO SEE THAT OTHER conservatives feel the same way I do (Franklin Foer, "The Grumblers," September 13 & 20). Nation-building and government mucking about in the culture of others are *not* values most traditional conservatives cherish. A growing number of well-known Republicans are voicing concerns over Bush's war in Iraq, as well as his extensive spending at home—Bill O'Reilly, Tucker Carlson, George F. Will, and even Rush Limbaugh! In some ways, this does feel like a third Clinton term, but with an even bigger domestic government.

JEFF ROBERTSON
Redlands, California

TOUGH SELECTION

THE FUNCTION OF CHALLENGE, adversity, and evil, it appears to me, is to predispose humans to strive, and the purpose of striving is to yield fitness, which yields survival ("The Death of Hippocrates," September 13 & 20). Without these struggles, humans would deteriorate into sloth. Both eugenics and genetic enhancement have the potential, at their extremes, to disrupt our individual and collective struggle to strive, be fit, and survive. While reasonable forms of eugenics or genetic interventions (such as birth control or stem-cell research to cure disease) are fitness-making, the evils of extreme eugenics and genetic interventions are predictable. The purveyors of medical fashions need to be managed so that we reap rewards, avoid extremes, and achieve a reasonable balance.

LEE LIBERMAN
New York, New York

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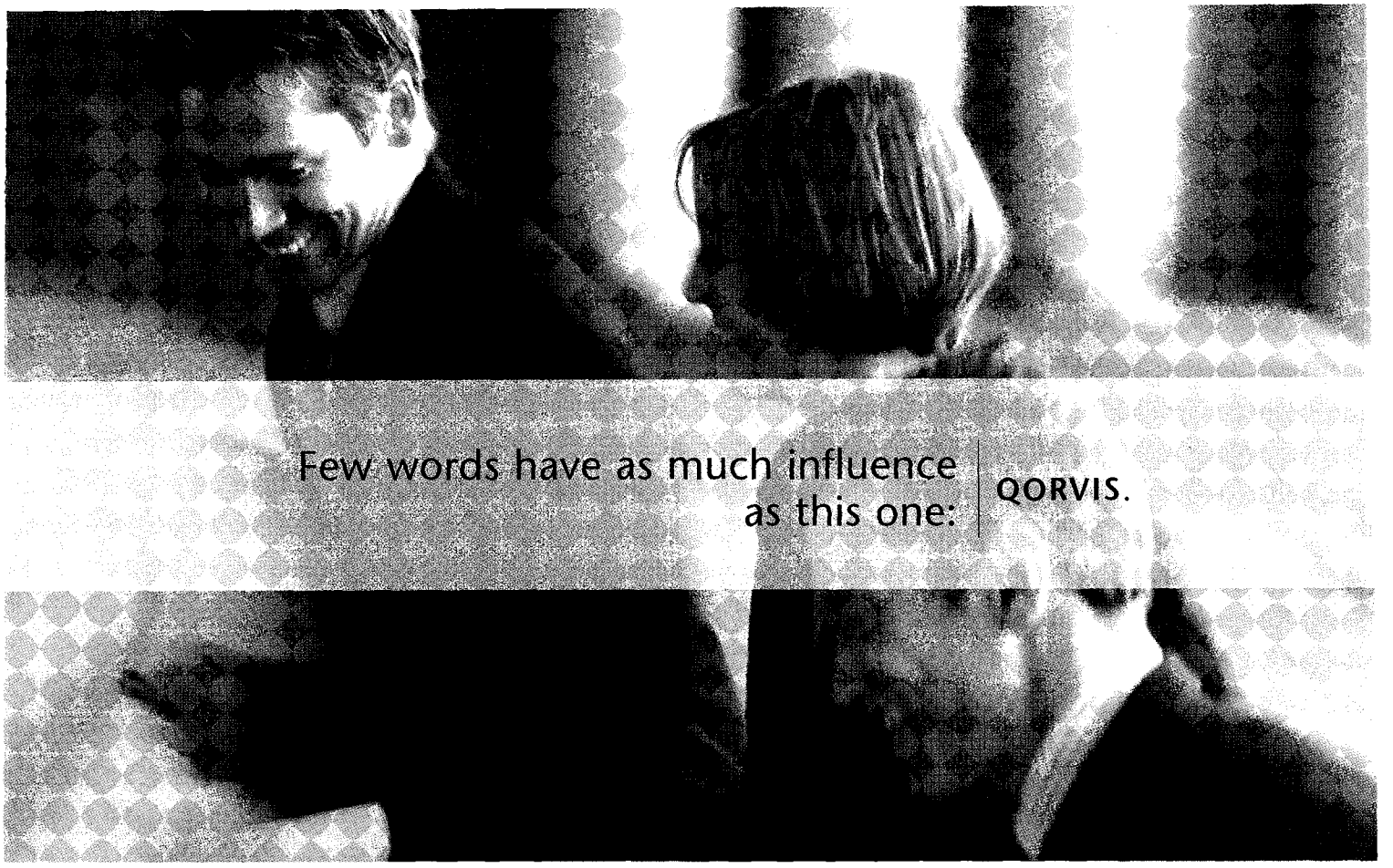

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TRB
FROM WASHINGTON

On July 4, Jeff and Nicole Rank went to hear George W. Bush speak in Charleston, West Virginia. Tickets in hand, they found seats ten or 15 rows from the stage. There they sat, quietly, wearing T-shirts that read LOVE AMERICA, HATE BUSH and REGIME CHANGE STARTS AT HOME. Forty-five minutes before the president took the podium, event staffers approached the couple and said, "You need to either take those shirts off or leave." According to *The San Antonio Express-News*, Jeff Rank replied, "People around us have Bush-Cheney T-shirts, pro-Bush T-shirts. Why can't we express our views?" The staffers left, but a few minutes later, two police officers arrived and told the couple to "cover up, take them [the T-shirts] off or leave completely." The Ranks refused, at which point they were handcuffed, expelled from the event, and briefly thrown in prison. With the Ranks safely off the premises, Bush addressed the crowd, declaring that "on the Fourth of July, we confirm our love of freedom, the freedom for people to speak their minds, the freedom for people to worship as they so choose. Free thought and free expression, that's what we believe." Two days later, the Federal Emergency Management Agency, Nicole Rank's employer, told her that, as a result of the incident, she was being dismissed from her assignment in West Virginia.

Welcome to Bush's reelection bid. In his speeches, the president often talks about spreading democracy throughout the world. He just doesn't want too much of it in his campaign. On August 4, Glen Wooldridge took his daughters to a Bush rally in Davenport, Iowa. He picked up his tickets, but, as he waited in line to enter the event, a security guard saw that he was wearing a small JOHN KERRY 2004 pin. As Wooldridge later detailed in a letter to *The Des Moines Register*, the guard pushed him out of line, ripped up his tickets, and told him, "We don't like your pin, so get out of here."

On August 5, Barbara Miller tried to enter a Bush rally in Saginaw, Michigan, carrying a pro-choice T-shirt. The T-shirt was confiscated. Then, an hour later, two campaign workers and a security guard ejected Miller, her husband, and their daughter from the stadium. As Miller told *The Saginaw News*, the guard ripped up her tickets, saying, "They're no good anymore."

Notice a pattern? According to an excellent report by NPR's Nina Totenberg, on August 16, Kathy Mead tried to wear a Kerry sticker into a Bush rally in Traverse City, Michigan. Security staff tore up her ticket and the sticker and ordered her to leave. On August 4, Tim Watts took a friend's sons to a Bush rally in Mankato, Minnesota. A security screener spotted a Kerry sticker on a wallet one of the boys was carrying, then ejected the group from the event. On July 14, Jason Nelson, a county supervisor from Appleton, Wisconsin, showed up at a Bush rally, to which he had been invited as a special guest. Earlier that day, he had attended a Kerry rally, and was still wearing a Kerry T-shirt. A Secret Service agent told him to leave. On September 7, students in Lee's Summit, Missouri, were instructed to attend a Bush rally at their school but were prohibited from wearing Kerry buttons or T-shirts. At a July 31 Dick Cheney rally in Albuquerque, New Mexico, according to *The Albuquerque Journal*, ticket-seekers were required to sign a pledge that they "endorse[d] George W. Bush for reelection of [sic] the United States."

Doesn't every campaign do this? Actually, no. As Totenberg notes, Bush's father was trailed from event to event by a man in a chicken suit, who mocked him for dodging debates with Bill Clinton. On April 6 of this year, according to *The Columbus Dispatch*, several dozen demonstrators clapped flip-flops together at a Kerry rally in Cincinnati. On June 15 in Columbus, protesters almost drowned Kerry out with the theme song from the old TV show "Flipper." When Totenberg asked the Bush campaign for examples of Bush supporters being denied entry to Kerry rallies, they provided only one name, and the person didn't return calls. On July 31, math professor John Prather did his own test. When he tried to enter a Bush rally in Cambridge, Ohio, wearing a Kerry-Edwards T-shirt, he was kicked out. But, when he wore a Bush T-shirt to a Kerry rally in nearby Wheeling, West Virginia, later that day, no one so much as uttered a word.

The Bush campaign claims it is weeding out potential hecklers. But most of the people mentioned above say they had no intention of heckling. And, even if they did, as lone individuals or families, they could hardly have disrupted rallies filled with thousands of people. In other words, the Bush campaign isn't trying to protect the president's right to be heard; it's trying to guarantee that TV cameras film enthusiastic crowds and thus project an image of overwhelming support wherever President Bush happens to visit. Free expression is denied so the president can appear popular.

In and of themselves, these restrictions hardly threaten American democracy. But they illustrate this administration's broader ethos. Since the advent of the televised press conference, no president has held as few as George W. Bush—none is even close. Bush initially refused to let national security adviser Condoleezza Rice testify before the 9/11 Commission. He also initially refused himself, then tried to limit his testimony to one hour, then tried to block commissioners other than the co-chairmen from attending, then barred a transcriber. He has boasted about not reading the newspaper. When General Eric Shinseki contradicted the Bush administration's line on how many troops it would take to occupy Iraq, he was rebuked. When Lawrence Lindsey contradicted the administration's line that Iraq could pay for its own reconstruction, he was fired. When criticized by John Kerry in the first debate, the president could hardly contain his anger.

The policy at Bush campaign rallies, in other words, reveals a deep truth about this president. He hates being challenged. He uses his office to insulate himself from questions and criticism. His handlers sweep meddlesome realities aside so he can appear certain, confident, and in command. Pundits may be puzzled that this White House brushed off internal objections about Saddam Hussein's weapons programs before the Iraq war. But I suspect Nicole Rank isn't surprised at all. **PETER BEINART**

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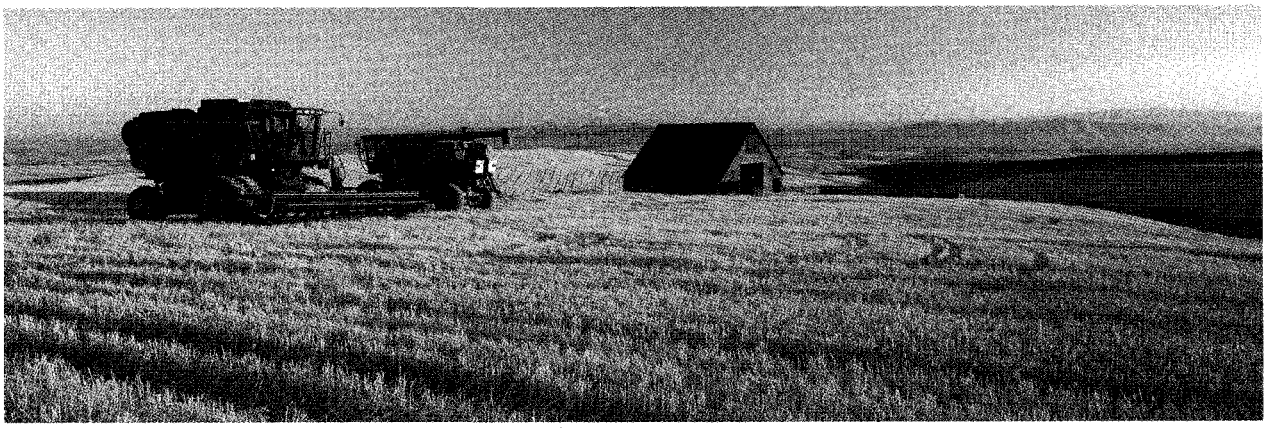

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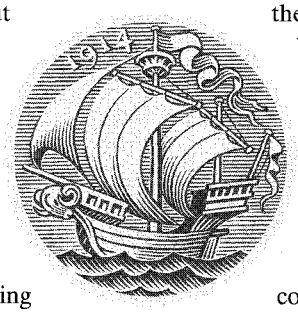
Slam Dunk

IN ITS REPORT released on October 7, Charles Duelfer's Iraq Survey Group declared that it had "not found evidence that Saddam Hussein possessed WMD stocks in 2003." That dealt a final blow to George W. Bush's long-standing claim that the United States faced "a serious and growing threat" from Iraq's weapons of mass destruction. But, with his reelection at stake, the president last week refused to acknowledge he had invaded Iraq for the wrong reason. Instead, Bush claimed the Duelfer report strengthened his administration's case for war by showing that Saddam had "the intent of restarting his weapons program once the world looked away." Saddam, Bush said, "retained the knowledge, the materials, the means, and the intent to produce weapons of mass destruction, and could have passed this knowledge to our terrorist enemies." But there's little evidence of "materials and means." The Duelfer report says that "Iraq's ability to reconstitute a nuclear weapons program progressively decayed" after 1991. It says that its "equipment and laboratories [for biological weapons] were destroyed under U.N. supervision in 1996." And Duelfer's group "did not discover chemical process or production units configured to produce key precursors or [chemical weapon] agents."

What about Saddam's "intent"? In its initial summary, the Duelfer report says that "Saddam wanted to recreate Iraq's WMD capability—which was essentially destroyed in 1991—after sanctions were removed and Iraq's economy stabilized," but Duelfer's actual findings, detailed in over 900 pages, don't bear out such a definite conclusion. Saddam's former science adviser thought that Saddam "would reconstitute all WMD disciplines when sanctions were lifted" but "cautioned that he never heard Saddam say this explicitly." Saddam's former minister of military industrialization "recalled no discussions among Regime members about how to preserve WMD expertise per se." The report concludes, "While he *may have* said he had the desire, no source has claimed that Saddam had an explicit strategy or program for the development or use of WMD during the sanctions period" (emphasis added). Moreover, the report cites two officials who recall hearing Saddam entertain the possibility of not resuming WMD production.

Duelfer's report also makes clear that, insofar as Saddam hoped to restart WMD production, it was not to create nuclear weapons to attack the United States but rather to create chemical weapons to meet the threat from Iran. "Saddam believed that WMD was necessary to counter Iran," the report states. "He saw Iran as Iraq's abiding enemy and he sought to keep it in check." According to the report, former Foreign Minister Tariq Aziz believed that Saddam "did not consider the United States a natural adversary, as he did Iran and Israel, and he hoped that Iraq might again enjoy improved relations with the United States."



Iraq's "intention" to produce WMD, as described by the Duelfer report, was considerably weaker than that of Iran or North Korea—and far more subject to international restraint. Up until March 2003, after all, Iraq's ambitions had been held in check through a combination of sanctions, inspections, and surgical strikes. As the report recounts, Saddam was determined to end sanctions by using the U.N. oil-for-food program to bribe France, Russia, and other countries on the Security Council. But, as Duelfer notes, "Baghdad made little overall progress in lifting sanctions between December 1998 and November 2002." In November 2002, the United States, benefiting from worldwide support after September 11, won unanimous Security Council support for Resolution 1441, demanding that Iraq readmit inspectors. And, if the inspectors had eventually declared Iraq free of WMD (as we now know it was), the United Nations would still have been authorized under the original 1991 resolutions to continue intrusive inspections and import controls on strategic materials. The Duelfer report, former U.N. Chief Inspector Rolf Ekeus said, showed "that the inspections worked." And, had America remained vigilant, there is every indication that they would have continued to work.

The Bush administration's resorting to Saddam's "intentions" to justify the invasion of Iraq shows just how discredited its strategy of preemption has become. A policy that once could have been a necessary and useful tool in America's arsenal—a doctrine we might have had to evoke to confront far graver threats than Saddam—may now have been rendered virtually useless. When a president says we need to take preemptive action to prevent a genuine threat from acquiring nuclear weapons, will the American people ever again give their assent? ■

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NOTEBOOK

LYNNE CHENEY, UNDUE INFLUENCE . . . HILL DEMOCRATS, UNDUE DEFERENCE

MIND CONTROL

IN 2001, AS SHE WAS SETTLING INTO her new digs at the Naval Observatory, Lynne Cheney said, "I really am on the outside of this administration, . . . in no way trying to shape policy or drive what happens." No Hillary Clinton, she.

Unfortunately for Lynne Cheney enthusiasts, the *Los Angeles Times* recently ran a story about Cheney getting the Department of Education to recall and destroy some 300,000 booklets that had displeased her. Apparently, the booklets, called "Helping Your Child Learn History," had made a few passing references to the "National Standards for History," a set of voluntary guidelines created by scholars in the mid-'90s with funding from the federal government.

When the National Standards were first released in 1994, Cheney found them insufficiently patriotic and made her displeasure known to every media outlet that would listen. (She even alleged, falsely, that the standards failed to mention the Constitution.) They've since been dramatically revised, but Cheney, evidently, has not been feeling especially conciliatory.

Indeed, following the second lady's alleged intervention, a new version of the booklet has been posted on the Department's website. It contains no references to the National Standards. What's more, it shows a certain respect for some of Cheney's favorite scholars. For instance, "Helping Your Child Learn History" starts with an epigraph about the importance of a "memory of the past," a gem of wisdom attributed to one "Mrs. Lynne V. Cheney, Author and Wife of U.S. Vice President Dick Cheney." The foreword reiterates the sentiment, this time paying homage to the "noted author and wife of the vice president of the United States."

To be sure, there's no proof the Department didn't have second thoughts about the original booklet on its own, quite without Cheney's help. Just as it could be coincidence that Cheney's friend Anne Radice should impress Education Secretary Rod Paige enough to be hired as his chief of staff in 2003, even without any evident education experience.

Lynne Cheney

Yes, it must be happenstance. After all, this is the Lynne Cheney who, in 2001, told *The Times* of London, "[I]t would be a very bad idea for me to be over at the White House, trying to tell our secretary for education what to do. It is just too many cooks in that broth." Unless, of course, she thought, what's *one* extra cook.

MOB RULE

THE HOUSE ETHICS COMMITTEE NOtably rebuked Republican Majority Leader Tom DeLay for his conduct during last November's vote on the GOP's landmark Medicare bill. But the committee's report also tells a revealing story about how the House Republican machine operates.

The Medicare bill was such a turkey that DeLay struggled to find majority support. Seeing Michigan Republican Nick Smith as a swing vote, DeLay offered to endorse Smith's son, Brad, who was running to succeed his father, in exchange for the elder Smith's support. Smith resisted this tawdry coercion (which he later said included the promise of $100,000 in campaign cash for his son, although the committee couldn't prove this) and voted against the bill. Smith's reward was the sort of bullying that's politely called the enforcement of "party discipline."

After he cast an early "no" vote, Smith was approached by fully 20 to 30 Republicans. After Republican Candice Miller, also of Michigan, failed to move Smith, another GOP witness told the committee that Miller "got mad and said, 'Well, I'm going to do all I can to beat your son.' And then they kind of swore at each other a little bit. It was not pleasant." (Miller doesn't deny invoking Smith's son, only the vow to work against him.) Meanwhile, another Republican, James Walsh, retracted his earlier pledge to give Smith's son a $1,000 contribution. (Walsh says he demanded the return of a check that he mistakenly believed he'd already sent.)

Rounding out this barrage was Randy Cunningham of California, who promoted the measure—estimated to cost $400 billion at the time—to Smith on the principled grounds that "[House Democratic Leader] Nancy Pelosi wants this bill to go down." The ethics report says Smith recalls that, after the vote, Cunningham "walked by him and waved what appeared to be a billfold at him while saying something to the effect of: '[W]e've got $10,000 already . . . to make sure your son doesn't get elected.' " (Cunningham denies only that he mentioned a specific dollar figure.) One witness even maintains that Smith told him that David Dreier of California had offered to help Smith's daughter find work as an actress

DAVID COWLES

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in Hollywood if he voted "yes." And there were others—what Smith called "a constant stream of people" invoking party loyalty and Smith's son. Smith resisted this onslaught, but the ethics report makes clear why so many Republicans don't. Oh, and the young Brad Smith? He lost his Republican primary race this summer. Here's hoping his dad's act of principle didn't ruin his political career.

TAXING OUR PATIENCE

THE CORPORATE TAX BILL THAT emerged from Congress this week and now awaits President Bush's signature is rightly reviled by liberal, conservative, and moderate policy analysts alike for its gigantic giveaways to corporate America. John McCain, if anything, understated things when he called it "a classic example of the special interests prevailing over the people's interest." And, in what has become a sadly common occurrence—as with the farm bill and the steel tariffs—only a tiny handful of Democrats in Congress bothered to put up a fight. (It passed the Senate 69–17.) The opportunistic Senator Max Baucus, whom Democrats have inexplicably allowed to serve as their ranking member on the Senate Finance Committee, justified the capitulation. "This bill's not perfect," he told *The Washington Post*, "but we all say many, many times we should not let perfection be the enemy of the good." Right. How about letting the horrible be the enemy of the good?

WHO'S IRRESPONSIBLE?

"THIS IS A POWERFUL STORY. THE networks are acting like Holocaust deniers and pretending [the POWs] don't exist. It would be irresponsible to ignore them." —Sinclair Broadcasting Group spokesman Mark Hyman, who doubles as a conservative "editorialist" on Sinclair's evening newscast, defending the company's decision to preempt programming on its 62 stations across the country in order to air a movie attacking John Kerry's antiwar past ■

TNR.commentary

&c.

BY NOAM SCHEIBER

MORE GOOD NEWS FROM THE *POST* TRACKING POLL: Wednesday's edition of *The Washington Post* tracking poll has John Kerry surging from a three-point deficit overall to a one-point lead (from down 46–49 to up 49–48)—and narrowing the Iraq gap with Bush from eleven points to eight behind. My hunch is that what we're seeing here is the effect of the media consensus that Kerry narrowly won the second debate—particularly among independents. Monday's poll wouldn't have picked this up, because it was conducted over the weekend, before that consensus had entirely formed. But, by Tuesday night, it was firmly in place. (The tracking poll works by combining the three previous nights of polling. Each day, the *Post* tosses out the oldest night and adds in the most recent.) Now, we'll see what happens in the third and final debate.

HITTING THE GROUND RUNNING: Back in May, I suggested that, between his prodigious talents and his soon-to-be status as the only black member of the U.S. Senate, it wouldn't be a stretch to see Barack Obama on a national ticket in the next four to eight years ("Race Against History," May 31). Of course, even for a rock star like Obama, there's a lot of work that comes between winning a Senate seat and positioning yourself as a national candidate. But the beauty of having an opponent as disastrous as Alan Keyes is that you can get a big jump on that work before you've even won your seat.

The Post reports today, for example, that Obama has already started spreading large chunks of his $14 million war chest around.

> In the past week, Obama has mailed checks totaling $260,000 to Senate candidates in 13 states, including $53,000 to the do-or-die campaign of Minority Leader Thomas A. Daschle (S.D.). He donated $100,000 to the Democratic Senatorial Campaign Committee and $150,000 to party organizations in key states, including Florida, Wisconsin and Colorado.
>
> Carrying his verbal assault on President Bush beyond state lines, Obama will fly to Los Angeles this week for a Democratic fundraiser and address rallies in Colorado and Nevada for John F. Kerry. . . . Obama said in an interview that he is talking with Kerry advisers about where he can be most effective in the campaign's final days.

Donating money to fellow Democrats and campaigning for (future) colleagues are two of the most important factors in positioning yourself as a national candidate (since the grateful recipients tend to reciprocate later on). And, normally, it takes years to build the stature and fund-raising network that allow you to do that. It seems Obama's rise to the top of the national Democratic scene is being rapidly accelerated.

IRAQ'D

SPENCER ACKERMAN

CAN I BE SECRETARY OF STATE NOW? Witness L. Paul Bremer's absurd attempt on *The New York Times*' op-ed page to stuff the toothpaste back into the tube:

> I have said that the United States paid a price for not stopping the looting in Iraq in the immediate aftermath of major combat operations and that we did not have enough troops on the ground to accomplish that task. The press and critics of the war have seized on these remarks in an effort to undermine President Bush's Iraq policy. . . .
>
> [U.S.] military commanders believed we had enough American troops in Iraq and that having a larger American military presence would have been counterproductive because it would have alienated Iraqis. That was a reasonable point of view, and it may have been right. The truth is that we'll never know.
>
> But during the 14 months I was in Iraq, the administration, the military and I all agreed that the coalition's top priority was a broad, sustained effort to train Iraqis to take more responsibility for their own security.

Leave aside, for a moment, Bremer's quote that we needed more troops "throughout" the occupation. The U.S. military presence never returned to its May 2003 peak of 150,000 troops. The insurgency, a marginal phenomenon in May 2003, grew from an estimated 5,000 strong in November 2003 to an estimated 20,000 insurgents in September 2004. Iraqi forces—well, the less said about their capabilities, the better. Ambassador Bremer, how does an insufficient number of troops to stop the initial looting magically become a sufficient number of troops to combat an insurgency that gathers strength as the occupation continues?

Critics hardly need to seize on Bremer's remarks to "undermine President Bush's Iraq policy." Bush can pull that off without any outside assistance.

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Campaign Journal

Sole Influence

BY RYAN LIZZA

SAN FRANCISCO, CALIFORNIA

OUTSIDE EVERY RALPH NADER event, two political groups compete for attention: the LaRouche Youth Movement (LYM) and the International Socialist Organization (ISO). The LaRouchies pass out their anti–Dick Cheney pamphlet "Children of Satan," and the ISO members distribute *The Socialist Worker*. And, as with many on the far left, the LYM and the ISO find themselves at odds over Nader. As I walk into a theater on the campus of San Francisco State University to hear the independent presidential candidate speak, I find myself two steps behind his running mate, Peter Camejo, the longtime California Green Party activist. The LaRouchies immediately recognize him. "Camejo, you're a sellout!" one yells as the candidate ducks into the building. "You're throwing the election to George Bush and Dick Cheney!" One young LYM member stuffs a piece of paper in my hand—a "report" titled "LaRouche Youth Expose Naderites as Fascists"—and explains that LaRouche has endorsed John Kerry. His cultlike followers, who were omnipresent during the Democratic primaries, regularly disrupting public events, have now devoted themselves to making sure Nader doesn't tilt the election to Bush. Granted, the LaRouchies are crazy and argue that "the Nader operation is a left-synarchist fascist operation in support of the very same genocidal program as the Cheney-Bush regime," but they also explain to impressionable young voters at Nader events that it is a "lie that there is no difference between Kerry and Bush." As scary as it may be, on the Nader campaign trail, the LaRouchies are the voice of reason.

They don't always need to do much convincing. Inside the theater, Alex Schamaus, the local leader of Students for Nader, is trying to add to the dozen members in his local chapter. He holds a clipboard above his head and yells to the students filing into their seats: "Students for Nader sign-up list!" It's slow going. Schamaus has collected five names this afternoon, but most students ignore him. "Most of the people who come here today are going to vote for Kerry but are just interested in seeing Nader," he admits. "Hopefully, on the way out, a lot more people will want to sign up."

Inside the event, there is a similar sense of skepticism. A student tells Nader that "it's not responsible to pull troops out" of Iraq, and a member of the audience yells that Nader "doesn't care about the Iraqi people." A young man, concerned about a reinstatement of the draft, asks Nader if he doesn't think it's imperative that Bush be defeated. "It seems like Kerry is the one who won't get my ass blown up," he says. Later, another student tells Nader at a book signing, "I would support you, but you took money from the Republicans." By the time the LaRouchies disrupt the event—with hecklers shouting "you're lying!" and two kids wearing giant Bush and Cheney masks screaming "Vote for Nader"—it seems a good portion of the audience is on their side.

I ATTEND ANOTHER Nader talk in Berkeley that same day and am surprised to find that, like every other candidate, his events are all the same. If you've seen one, you've seen them all. The show starts with a string of speeches by local third-party candidates and a few single-issue activists. Nader has become a remarkably lonely man on the left. His old liberal friends, sprinkled throughout organizations like Public Citizen, have disassociated themselves from him. Pop radicals like Michael Moore, who championed Nader in 2000, have become sudden experts in electoral college math and now beg him to drop out of the race. Most surprising, and most infuriating to Nader, what might be called the radical left establishment has also abandoned him. More than 70 of his most influential supporters and advisers from 2000—people like Noam Chomsky, Studs Terkel, Cornel West, and Howard Zinn—have signed a letter advising progressives to vote for Kerry in closely contested states. Nader bitterly mentions the manifesto in every speech, saying his ex-allies have "lost their nerve." Here in California, Nader's isolation has thrown him into the arms of the ISO, which sponsors his events in the state and seems to protect him from the LaRouchies and others angry about his candidacy. After his speech in San Francisco, one young man approaches Nader and yells, "Hey, Ralph, you remind me of George Bush!" Nader's handler from the ISO calls over two cops, and the heckler is removed.

Besides the Socialists, the folks willing to share the stage with Nader fall into two categories. The first are hopeless third-party candidates delighted to speak to more than a roomful of people. For example, the Peace and Freedom Party senatorial candidate launches an attack on, of all people, Senator Barbara Boxer for not being sufficiently liberal. The Green Party challenger to entrenched incumbent Representative Tom Lantos, who represents part of San Francisco, is also happy to share the stage with Nader. She calls Lantos "an old warmonger" and says, "Mister Lantos is popularly known as the representative from Tel Aviv."

That's the kind of line that strikes a chord at Nader events. The other groups that have glommed onto Nader's independent bid are pro-Palestinian and anti-Israel. At both events I attend, some of the biggest applause is for local activists who excoriate Bush and Kerry for their Middle East policies. What's troubling is that, for some of these folks, the backlash against the war in Iraq has taken on anti-Semitic overtones. In Berkeley, a man named Joe Webb passes out literature explaining that "the Neoconservatives and the 'Jewish Lobby' (AIPAC) have planned the Iraq war for many years" and that the story is untold because "most of the US media, and particularly the commanding heights,

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are Jewish owned." During the Q&A session, Webb ruminates about Jewish financing of the two parties and asks Nader to expand on his recent comment that Ariel Sharon is Bush's puppeteer.

After battling past LaRouchies and Socialists and listening to half an hour of fringe candidates talk about everything from the "edible schoolyard concept" to how Kerry "is not quite as fanatical as Bush on abortion," when Nader does finally speak, he can sound downright conservative. In fact, if you listen closely, the heart of Nader's stump speech is ... a call for parents to spend more time with their kids. That's right, more than national health insurance, a living wage, the war, or the Patriot Act—all publicized as Nader's major issues—what really has Nader worked up these days is what he calls "the commercialization of childhood." He is most passionate when talking about the conflict between the marketplace and traditional values. "Corporations did not directly market to three-, four-, five-, seven-, nine-year-olds," he rails. "They did not deliberately, in their marketing strategies—premeditated—separate parents from their children and undermine parental authority and teach children how to nag their parents. They did not put in children's minds at a very impressionable age violence as a solution to human problems and junk food that was going to hurt their health across the whole spectrum of their diet. ... Corporations now have children far more waking hours than parents do." Nader is also upset about corporate influence on tax policy and the electoral system, but, then again, so are lots of Democrats, including John Kerry and John Edwards. Every candidate has one issue that drives them over the edge. For Nader, it's the corporatization of kids. Listening to him speak, I start to think that Bush might be reelected because Ralph Nader is pissed off at the invention of the 'tween market.

DESPITE THE FACT that he is registering barely 1 percent in national polls, Nader is indeed perfectly positioned to cost Kerry the election. Consider Kerry's current road to 270 electoral votes. The number of true toss-up states has dwindled to eleven: Florida, Pennsylvania, Ohio, Minnesota, Wisconsin, Iowa, West Virginia, New Hampshire, Colorado, Nevada, and New Mexico. Nader is on the ballot in all of these states but Pennsylvania and Ohio, where his access is still the subject of litigation. Each of these states is close enough that Nader could make the difference, and the damage he could do to Kerry becomes more obvious when one looks at the combination of states Kerry is likely to need for victory. Assuming Bush wins Florida and Kerry wins Pennsylvania, Kerry must then win Ohio and some combination of three to five of the remaining eight small toss-up states. These eight states have two things in common: in each, the race is almost a dead heat, and, in each, Nader is polling between one and four points. In other words, Nader is doing best in the most closely contested states. For instance, an early October Gallup poll of registered voters in New Mexico showed Bush beating Kerry 47 to 46 percent, with Nader at 3 percent. An American Research Group poll in New Hampshire showed Bush and Kerry tied at 47 percent, with Nader at 1 percent. In Colorado, Gallup shows Bush and Kerry tied at 48 percent, with Nader at 2 percent. As pollster John Zogby noted in a recent analysis of his own numbers, "There is ... no doubt that Ralph Nader is hurting Kerry."

In his pitch to students in San Francisco and Berkeley, Nader talks about the importance of organizing and getting involved in the political process. He notes that politicians only respond when people are mobilized. "It's very important for the rumble of the people to come back," he says. It is a bizarre statement in the context of liberal politics in 2004. On the left, there probably has not been as much energy and organization since the nuclear freeze movement of the 1980s. Bush has helped create the foundation for an entire New Left counter-establishment. From Moveon.org to the Howard Dean campaign to the liberal blogosphere to Air America radio to new think tanks sprouting up around Washington, D.C., an entire new network of exactly the kind of activists that Nader has long praised is suddenly being born. Their singular goal is to defeat Bush. At 70, Nader's last great act as a public citizen might be to scuttle all their work. Not even the LaRouchies are that irresponsible. ■

Gardez Dispatch

Ink Stain

BY NIR ROSEN

THE DAYS LEADING up to Afghanistan's October 9 presidential elections had an eerie feel to them. Foreigners working for the United Nations and other humanitarian organizations withdrew to their homes. U.N. agencies issued body armor to their employees and ordered them not to venture outside. All conversations in Kabul centered on whether something dire would happen during the elections. Nobody knew what to expect. By October 8, most streets in Kabul were deserted. Mullah Omar, the former leader of the Taliban, issued a statement from hiding warning Afghans that, if they turned up to vote the following day, they would be attacked.

On the morning of election day, Kabul was a ghost town. Blurry silhouettes of soldiers shimmered in the dust, blocking intersections and conducting searches, their guns held firmly across their chests, fingers on the triggers. Riding to the southern city of Gardez, 90 miles south of Kabul,

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the only vehicles I saw on the normally busy thoroughfare were carrying women on their way to vote. Small groups of men, bundled in blankets, marched alongside the road to the nearest voting locations.

I had first visited Gardez in mid-September, and trouble was already brewing then. Capital of the majority Pashtun province of Paktia, Gardez was an area where support for the Taliban still appeared to be strong. On September 16, I watched as thousands of local men carrying traditional swords and shields danced in circles in preparation for a visit by President Hamid Karzai, who was expected to land at the nearby Abdul Hai Gardezi High School. Suddenly, there was a telltale whistle in the air, followed by a muffled explosion. The locals seemed unconcerned, but Karzai's American security detail did not greet the missile with the same nonchalance, and it promptly canceled the visit, to the disappointment of the expectant throngs.

The Afghanistan experts agreed that trouble was coming. In the weeks before the poll, New York University's Barnett Rubin, a Central Asia specialist, told me that it could be a disaster. "Afghanistan has no roads, no electronic communication except for the military commanders. The one technology in abundance is weapons," Rubin said. "There will be no international observers flooding the country because of security issues." Indeed, most international observers did not expect the elections to adhere to high standards of fairness. As one U.N. security official warned, "[The elections] will be bought—communities will vote according to their chieftain." The various intelligence and security organizations operating in Kabul thought that there could be chaos, saying that hundreds of Taliban and Al Qaeda supporters were entering through Pakistan to disrupt the polls. And indeed, between May 1 and August 20, 33 people working on Afghan voter registration were injured in attacks. Twelve were killed.

ON ELECTION DAY, Gardez seemed just as ominous. The city's four paved roads were empty, with only flatbed trucks carrying Afghan soldiers, tasked to protect the vote, pointing their Kalashnikovs menacingly in every direction. A steady stream of thousands of turbaned men entered the high school, the city's voting center. Inside, soldiers confiscated machine guns, patting men down, searching under their turbans and even their beards. Men wearing blue U.N. shirts guided voters into tents, where a hole was punched in their voter registration cards, ostensibly indelible ink was placed on their thumb, and they were then shown the ballot, a massive, two-foot-long piece of paper with pictures of the candidates and party symbols.

Yet, despite fears that the election would be marred, the vote generally went off without a hitch. Lines of women in blue burqas marched into Gardez, walking from miles away, unescorted by men, perhaps interacting with strange women for the first time since they were little girls. One woman named Sima, her face uncovered, held her baby on her chest and explained that she had walked for an hour to get to the polling booth. Jawara, another woman with her entire face and body covered by a black shawl with white stars, had walked from far away to vote for Hamid Karzai. "We are thirsty for peace," she said.

White Toyota Land Cruisers drove up. The governor of the area, Asadullah Wafa, had come to pay a visit. "God created men free, and now they can freely choose their president," he said proudly.

At noon in Gardez, there was a familiar rumble—a missile. The missile was later found buried in the mud walls of a local nongovernmental agency whose offices were empty. The only casualties were the windows in what, amazingly, was one of the few attacks in all of Afghanistan on October 9. As one senior adviser at the U.S. Embassy told me, "We were quite pleased. ... Everybody had predicted Armageddon here, but the security was so intense [the Taliban] did not have the opportunity to do anything." Other security experts said the peaceful turnout showed that the Taliban are a spent force, lacking the resources and support within Afghanistan to carry out serious attacks.

"I was deeply impressed," said one EU official sent to monitor the vote. "I covered nine voting centers. All were incredibly orderly. In the morning, we went out expecting problems in security, but there were orderly queues. People

Afghans carry ballot boxes to a counting center in Kabul after the country's first election, which went far more smoothly than predicted. But many Afghans expected perfection.

AHMAD MASOOD/REUTERS/LANDOV

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were doing their work diligently." American officials concurred. One noted with wonder that, in this normally chaotic society, "people stood politely in line" to vote. Opposition parties had complained that the supposedly indelible ink came off easily, allowing Afghans to vote more than once. Yet foreign observers, amazed that the election had gone off so well in a country destroyed by years of war, downplayed the ink fiasco. Indeed, the EU official dismissed the ink affair as a red herring created by opposition parties to cloud the final results, which are likely to favor Karzai heavily.

AFGHANS, IRONICALLY, WERE not as impressed by the achievement. While the foreigners in Kabul were happy with a vote that met some standards of fairness, many Afghans had hoped for an almost-pristine election. Andrew Wilder, head of the Afghanistan Research and Evaluation Unit, a Kabul think tank, predicted this. "While the international community may be willing to accept a deeply flawed election given current conditions in Afghanistan, the Afghan public may not," his think tank reported in a recent publication titled "Free, Fair, or Flawed: Challenges for Legitimate Elections in Afghanistan." "Afghans had high hopes—in some ways dangerously high—that the elections are going to result in positive political change," Wilder told me. "They had high hopes for the Bonn Agreement, but these hopes were crushed when they saw many of the most powerful positions in the new government handed over to representatives of the warring factions they held accountable for much of the tragedy of the last two decades. ... Many Afghans see the upcoming elections as their last opportunity to reject the status quo and the politics of the past."

Given this idealism, some Afghans were disappointed by the election itself. By the afternoon in Gardez, men began to complain that the ink was easily removed, and soon dozens indignantly showed how a little saliva could smear it off. They were offended that a process they held sacred had been violated and complained that people could now vote twice. Soon, local radio was announcing that many of the opposition candidates were rejecting the election because the ink could be easily wiped off of thumbs throughout the country.

In Gardez, an elegantly dressed woman in a black dress with gold necklaces sat observing the voters. Anahita Ada was a representative of Yunis Qanooni, Karzai's main rival, sent, like thousands of others, to monitor the elections. A former delegate to the constitutional *loya jirga*, she was visibly upset by the ink. "These elections are not fair," she said. "I am boycotting them, ... and our supporters have stopped voting. We don't want such an election." Narulla, a burly, bearded man who ran five voting locations in the region, was also concerned, demonstrating for journalists how easily the ink was removed.

But there is still time to win back the disaffected. Wilder says that what happens in the days immediately following the election could be more important than election day itself. Karzai and other Afghan leaders need to pick an inclusive cabinet and to reassure Afghans that all their votes are being counted. "We need to make sure ... that it is perceived to be a meaningful democratic experience by Afghan voters," Wilder said. "If Afghans see the new president appoint a cabinet dominated by the same faces they blame for much of the past twenty-five years of war, Afghans will ask, 'What was the point of holding elections?' ... I don't think we're going to have another opportunity like this one to get it right." ■

Kerry would fight terrorism better.

Idea Man

BY SPENCER ACKERMAN

NOT EVEN CLEAR, declarative sentences—"I will hunt down and kill the terrorists wherever they are"—have saved John Kerry from the perception that he is too weak to fight the war on terrorism. An Annenberg poll released last week found that, by a 14-point margin, respondents trusted President Bush more than the Massachusetts senator to protect the nation from Al Qaeda. And it's not just Kerry's strength that is in question—it's his judgment. When Kerry accused Bush of "diverting [his] attention from the real war on terror" against Al Qaeda by invading Iraq, the president's surrogates shot back that Kerry possessed an insufficiently broad understanding of the war. "The idea that somehow you kill Osama bin Laden, and maybe Al Qaeda wraps up, and then you're done with the war on terrorism could not be further from the truth," Condoleezza Rice told CNN. Conservative *New York Times* columnist David Brooks dismissively wrote that Kerry "defined the enemy in narrow, concrete terms."

It's true that Kerry conceives of victory in the war on terrorism chiefly in terms of destroying Al Qaeda. But what Kerry understands—and the administration disastrously does not—is that Al Qaeda is *not* "narrow," nor, increasingly, is it "concrete." The day after the first presidential debate, Al Jazeera broadcast an audiotape communiqué from Ayman Al Zawahiri, Osama bin Laden's deputy, directed largely at disaffected Muslim youth. "We must not wait until the American, British, French, Jewish, South Korean, Hungarian, and Polish forces enter Egypt, the Arab peninsula, Yemen, and Algeria to begin the resistance," Zawahiri instructed. "O, youth of Islam, this is our message. If we are killed or taken prisoner, continue along the path after us." This is the true face of Al Qaeda: Less a discrete jihadist or-

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ganization than the vanguard of a global jihadist ideology.

Bush does not seem to understand the difference. If he did, he would realize that touting the capture of "seventy-five percent of known Al Qaeda leaders" is foolish when those remaining can draw from a pool of millions. Bush insists he understands that winning the war on terrorism involves, as he told *Time* in August, "a long-lasting ideological struggle" to mute Al Qaeda's allure. Yet the president's chief contribution to the ideological struggle has been the occupation of Iraq, which has horrified the very Muslims it was supposed to draw to America's side. Beyond Iraq, the president has done little to promote Middle Eastern democracy beyond giving speeches to domestic audiences. In its final report, issued this July, the 9/11 Commission practically begged the Bush administration to "engage the struggle of ideas" in order to "prevent the continued growth of Islamist terrorism." Little wonder, then, that the perpetrators of the Madrid train bombings, the Abu Hafs Al Masri Brigades, proclaimed themselves "very keen that Bush does not lose the upcoming elections" in a March statement to an Arabic newspaper.

To some, Kerry—a politician often caricatured as a narrow realist uncomfortable with the moral elements of American power—might seem ill-suited to an ideological struggle. But Kerry has made preventing the rise of future jihadists a central aspect of his war plan. "For Al Qaeda, this war is a struggle for the heart and soul of the Muslim world. We will win this war only if the terrorists lose that struggle," he said in a recent speech at Temple University. "We have to preempt the haters. We have to win the war of ideas." Which is not to say that a Kerry war on terrorism would be a purely ideological exercise. Kerry proposes to redouble U.S. military efforts to "defeat, capture, and kill those who commit terror"—and promises not to be distracted by the supposed state-sponsors of terrorism that have fixated the Bush administration. In planning both to kill the jihadists and to prevent new ones from taking their place, Kerry is presenting the victory strategy for the war on terrorism that has eluded Bush.

Waging Ideological War

Bush certainly speaks as though he understands the importance of ideological combat. As he argued on the eve of the Iraq war in a speech to the American Enterprise Institute, "The power of freedom [will] transform that vital region by bringing hope and progress into the lives of millions. America's interests in security, and America's belief in liberty, both lead in the same direction." But the Iraq war—a top-down effort to impose democracy—has had the opposite effect from what was intended. Far from inhibiting the growth of jihadism, the invasion has spurred a new generation of Islamist extremists to take up arms against the United States. It is hard to imagine anything more counterproductive to winning the war on terrorism.

Bush, of course, rejects this assessment. After Kerry gave an interview in August warning that Bush's policies were "actually encouraging the recruitment of terrorists," Bush fumed that Kerry's "logic is upside down. ... We don't create terrorists by fighting back. We defeat the terrorists by fighting back." But, if Bush looked at what his policies have meant at Cairo's Al Azhar mosque, the closest thing Sunni Islam has to a Vatican, he would notice a disturbing trend. Days after September 11, 2001, Al Azhar's university rector, Muhammad Sayyed Tantawi, issued a Koranic condemnation of the attacks: "Attacking innocent people is not courageous, it is stupid and will be punished on the Day of Judgment." Yet fury over the invasion of Iraq turned Al Azhar's denouncement of bin Laden into approval of his ideology. On the eve of the war, the mosque's scholars wrote, "According to Islamic law, if the enemy steps on Muslims' land, jihad becomes a duty on every male and female Muslim."

And Al Azhar is not an isolated case. The occupation of Iraq now plays a central role in Al Qaeda's calls to murder Americans. An unknown number of jihadists, particularly from European Muslim communities, are flocking to Iraq for on-the-job terrorist training analogous to that of the "Arab Afghans" who flocked to Afghanistan in the 1980s to combat the Soviet invasion. "The events in Iraq have had a profound impact on the entirety of the jihad movement," famed French antiterrorism judge Jean-Louis Bruguière recently told the *Los Angeles Times*. And, while it is difficult to judge with any precision the growth in Al Qaeda's ranks as a result of the Iraq war, Jonathan Stevenson of the International Institute for Strategic Studies (IISS) notes that European intelligence agencies are observing that "[terrorist] recruitment in Europe has increased since the Iraq intervention." Asked if the occupation of Iraq has driven more Muslims into the arms of bin Laden than he would otherwise have attracted, Stevenson says, "I don't think there's any doubt about it."

Other than Iraq, the president's major contribution to the ideological campaign against Al Qaeda was his Greater Middle East Initiative, floated in meetings with foreign dignitaries at the beginning of the year, which offered programs to, among other things, build civil society, strengthen the rule of law, and fight corruption. Unfortunately, as democracy promotion experts Marina Ottaway and Thomas Carothers of the Carnegie Endowment for International Peace have observed, Bush's much-heralded initiative was "hollow," consisting of proposals "mostly already present in existing U.S. aid programs in the region," as well as in various agreements between European and Middle Eastern nations. When the region's autocracies resisted even those mild suggestions, the administration watered the initiative down even further—until it became a series of vague statements about reform without new funding or strategies for implementation. Unsurprisingly, those statements have had little impact. Last month, for example, Saudi Arabia postponed for a second time its first-ever elections, and announced this week that women won't be able to vote—abrogations of democratic reform greeted by silence from the White House.

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One reason the Greater Middle East Initiative failed is that it avoided any mention of the real concerns of the Muslim world—in particular, the Israeli-Palestinian conflict. Political reform in the Arab world hardly depends on resolution of the conflict, but, as Egyptian liberal dissident Saad Eddin Ibrahim told *BusinessWeek* last year, "There is cynicism about whether the U.S. is sincere [about spreading democracy]. A forceful move to deal with the Arab-Israeli conflict evenhandedly has to be the yardstick by which we measure sincerity." But Bush seems to have little regard for the actual concerns of Muslims. Instead, he expects the Islamic world to adopt his agenda uncomplainingly. Bush's approach, Ottaway and Carothers wrote, amounts to "a triumph of abstract logic over political reality" and results only in entrenched autocracy and increased anti-Americanism.

KERRY WOULD TAKE the exact opposite tack. Far from imposing democracy from the top down, Kerry told a Los Angeles audience in February, "We must support human rights groups, independent media, and labor unions dedicated to building a democratic culture from the grassroots up." In this, Kerry has increasingly echoed Senator Joseph Biden, a leading candidate to be Kerry's secretary of state. Biden says he will tell regimes whose repression has indirectly bred terrorism, "I want to see you at least squint toward democracy. . . . John Kerry would have been funding openly, and supporting any way he could, democratic movements in these countries."

This aspect of Kerry's agenda is surprising. During his career, Kerry has earned a reputation for skepticism about the propriety and the capability of the United States to spread democracy. President Clinton's reference to the United States as the world's "indispensable nation" in his 1997 inaugural address chafed Kerry as "arrogant" and "obnoxious." As recently as May, Kerry gave a sprawling foreign policy interview to *The Washington Post* in which he emphasized that, in a Kerry administration, "security comes first," as the paper's headline put it. But, to interpret Kerry's focus on security as foreclosing aggressive ideological warfare misunderstands how Kerry conceives of defending the United States. As Biden argues, "Kerry has a much broader notion of national security" than either his caricature or his opponent—a notion that recognizes that only an ideological campaign against Al Qaeda can protect the United States in the long run.

As the 9/11 Commission observed, a crucial aspect of that ideological campaign must be a major public diplomacy push in the Islamic world. That effort has gone sorely neglected by Bush, who launched an Arabic TV network only this year and who, in 2004, is spending a mere $79 million for education and cultural exchanges in the entire Muslim world. The bipartisan U.S. Advisory Commission on Public Diplomacy last month pleaded with the administration for a "more strategic and responsive" communications effort that "reflect[s] the values and attitudes of target audiences." As it happens, Biden has one ready to go. Known as Initiative 911, it is a plan to establish "credible channels of communication with the people of the Islamic world" by developing a country-specific mix of political and cultural programming for dissemination via satellite television, radio, and the Internet. (It contains differentiated strategies for broadcasting in 23 countries and regions.) For a start-up cost of $567 million and an annual cost of $345 million—less than what the United States spends every week in Iraq—the initiative would offer not only "policy statements and explanations from senior members of the U.S. government," but also a forum for discussing "major issues in the Islamic world," such as democracy, economic development, religious strife, and the Israeli-Palestinian conflict.

In fact, in addition to communicating U.S. policy more persuasively, Kerry is likely to return the United States to a visible and active role in the Israeli-Palestinian peace process. Kerry has endorsed the road map to a two-state solution, and, in a speech at Georgetown University in January 2003, he insisted on "leading the effort to make peace" through consistent U.S. mediation—an issue he linked with broader U.S. objectives: "American engagement and successful mediation are not only essential to peace in this war-torn area but also critical to the success of our own efforts in the war against terrorism." Indeed, a recent Zogby poll that found outsized majorities in the Muslim world disapproving of the United States also found respondents linking their disapproval to the "unfair foreign policy" that disadvantages the Palestinians.

But, even if the United States exponentially increased its credibility in the Muslim world, it still couldn't hope to discredit Al Qaeda from an Islamic perspective. That can only be accomplished by Muslim scholars and religious authorities. In an interview with *Time* last month, Kerry argued that winning the war of ideas means "bringing religious leaders together, including moderate mullahs, clerics, imams—pulling the world together in a dialogue about who

DAVID COWLES

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these extremists really are and how they are hijacking the legitimacy of Islam itself." Indeed, Al Qaeda knows how isolated it truly is from the Islamic mainstream. According to Professors Quintan Wiktorowicz and John Kaltner of Rhodes College, Al Qaeda's scholars suffer from a "reputation deficit," which has led the network to attack its religious detractors—like the many scholars who denounced the September 11 attacks as un-Islamic—as "the rulers' sheiks." As a result, an opening exists to enlist Islamic authorities against Al Qaeda out of mutual self-interest, which a Kerry administration is likely to exploit.

Kerry is also proposing a frontal assault on what Rand Beers, the former Bush counterterrorism czar now serving as Kerry's national security adviser, terms "a way of indoctrination" for the next generation of potential terrorists. "We need an international effort to compete with radical madrassas," Kerry said in his Los Angeles speech. These schools are a particular problem in Pakistan, where, in Karachi alone, there are over 850 madrassas teaching an estimated 200,000 children. "One of the things that we will want to think about is an educational fund," Beers says. "The Arab Human Development report argues that educational openings represent the best way to create entrepreneurial opportunities for these Muslim youth"—and reduce the appeal of bin Laden's nihilistic entreaties. Nor does Kerry intend to shy away from a cardinal source of funding for the madrassas—Saudi Arabia. Biden in particular is prepared to confront the Saudis over their troublesome ideological adventures. "Our policy should be: Cease and desist, or we've got to figure out new relationships here," he says. "Am I going to invade your country? Hell no. Are we going to depose you? Hell no. But let me tell you: Are we going to supply the physical security for your continued existence? *I don't know.*"

The current administration, by contrast, has utterly failed to confront Pakistan's madrassas, providing Islamabad mainly military aid when it ought to have tried to liberalize the country's civil institutions as well. Last October, Defense Secretary Donald Rumsfeld wondered aloud in an internal Pentagon memo: "Are we capturing, killing or deterring and dissuading more terrorists every day than the madrassas and the radical clerics are recruiting, training and deploying against us? ... How do we stop those who are financing the radical madrassa schools?" To Beers, the fact that the administration had not answered these questions two years after September 11 shows its fecklessness. "Musharraf was saying, 'I'd be prepared to trade some of that military aid for assistance so that I can in fact deal with what I know to be a problem on my northwest frontier. ... What we need is a program that puts government goods and services into those areas and allows greater entrepreneurial development among a people that don't even have a real allegiance to the government of Pakistan because they don't get anything from the center.' We didn't respond to that offer. This administration chose to make that relationship essentially a military relationship." Beers believes such errors indicate a faulty conception of the war on terrorism: "The central mistake on the part of the administration is the failure to understand who it is we're dealing with. The second thing I'd say—and it follows from the first—is the failure to be comprehensive in their approach."

Destroying Al Qaeda

A COMPREHENSIVE APPROACH to the enemy doesn't mean limiting the war to a battle for hearts and minds. It means killing jihadists as well. As Kerry says at every opportunity, "My priority will be to find and capture or kill the terrorists before they get us." Ashton Carter, an assistant secretary of defense in the Clinton administration now advising Kerry on terrorism and counterproliferation, is similarly blunt. "We're going to need to hunt down each and every person who went through the bin Laden and Al Qaeda camps," he says. "That numbers many thousands of people, but that has to be our objective. And then all of those who are now freely associating with the cause."

Bush's approach is different. Ever since his September 20, 2001, address to Congress, and especially in his 2002 State of the Union address, Bush has emphasized the need to attack state sponsors of terrorism at least as much as actual terrorists. "One of the principal strategic thoughts underlying our strategy in the war on terrorism is the importance of the connection between terrorist organizations and their state sponsors," Undersecretary of Defense for Policy Douglas Feith explained to Nicholas Lemann of *The New Yorker* shortly before the invasion of Iraq. "Terrorist organizations cannot be effective in sustaining themselves over long periods of time to do large-scale operations if they don't have support from states. They need a base of operations. They need other types of assets that they get from their connection with their state sponsors—whether it's funding, or headquarters, or, in some cases, the use of diplomatic pouches and other types of facilities."

Simply put, this does not remotely describe Al Qaeda. When bin Laden lived in Sudan and Afghanistan from the mid-'90s until 2001, Al Qaeda effectively propped up the ruling regimes rather than the other way around. Nor did Al Qaeda's jihadists require sympathetic governments to support them as they planned and executed attacks: The September 11 hijackers proved murderously productive during their stays in Germany and the United States. Bin Laden and Zawahiri are believed to be in the lawless Northwest Frontier Province of Pakistan, but the presence of a hostile regime in Islamabad hasn't prevented them from inspiring attacks in places like Bali, Riyadh, Istanbul, and Madrid. Even if the United States overthrew every regime that so much as batted an eyelash at bin Laden, Al Qaeda's lethality in the three years after losing its Afghanistan sanctuary proves that a policy focused on ending "state sponsorship" will never destroy the network.

With such an inappropriate focus—which, in practice, has meant little more than a (deceptive) rationale for invading Iraq—it's no wonder Bush's record against Al Qae-

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da itself is so meager. At the first debate, Bush boasted that "seventy-five percent of known Al Qaeda leaders have been brought to justice." This is an achievement, especially as Bush's efforts with the Musharraf government have netted Khalid Shaikh Mohammed, eclipsed only by bin Laden and Zawahiri in his importance to Al Qaeda. But, even if Al Qaeda weren't able to replenish its leadership positions, and even if Al Qaeda weren't able to attract new terrorist recruits, this figure would still not represent a significant diminution in the network's latent potency. According to IISS's analysis, which is based on intelligence estimates from American and European officials, 20,000 "potential terrorists" received training in Al Qaeda's Afghanistan camps; 2,000 have been killed or captured. This means that, even under the incorrect assumption that the number of jihadists is static, Al Qaeda will survive Bush's first term with 90 percent of its potential manpower intact.

KERRY, BY CONTRAST, understands that the threat from Al Qaeda is not state-centric. Asked where the "center" of the war on terrorism is, Beers immediately replies, "There isn't one." He explains, "What Al Qaeda did during its Afghan period was to create a jihadist movement on a global basis. While Al Qaeda certainly has the financial wherewithal, the organizational skills, the tactical wherewithal to conduct significant operations à la the dual embassy bombing in Africa in 1998 or the World Trade Center–Pentagon attack in 2001, the fact that the major events since then have been conducted by organizations which were able to operate at a distance from and, to at least some degree, independent of central direction from Osama bin Laden is an indication. I wouldn't say that it's Al Qaeda 2.0, I'd say it's Global Terrorism 2.0. That means we're going to have to have a much broader and a much more comprehensive campaign that goes beyond the decapitation strategy that seems to excite George Bush."

Kerry and his advisers intend to refocus the nation's military and intelligence efforts on eliminating Al Qaeda directly. To achieve that, Kerry has endorsed the 9/11 Commission's plans for intelligence reform and has proposed enlarging the regular Army by 40,000 soldiers and doubling the Army's Special Forces capacity. Presently, Army Special Forces units—which include agile and innovative forces best trained and equipped to operate deep behind enemy lines and in nontraditional combat situations—total about 26,000 active and reserve personnel, or only 2 percent of the entire Army. Expanding Special Forces would expand the range of military options available when confronting jihadists in nations where large or conspicuous U.S. incursions are politically impossible—i.e., most of the approximately 60 countries where Al Qaeda operates. (Though Rumsfeld has increased U.S. Special Operations Command responsibility for counterterrorism operations, he plans to expand the Army's Special Forces by fewer than 800 soldiers by 2008.)

Eliminating Al Qaeda means using force in the area where a significant portion of the network has entrenched itself since the fall of Kandahar in 2001. "The Al Qaeda–Taliban–[Afghan warlord Gulbuddin] Hekmatyar nexus along the Pak-Afghan border represents an area of activity that we have to attend to," says a senior Kerry adviser. "One, we want to ensure that Afghanistan doesn't again become a sanctuary. And two, we want to ensure that the fundamentalists who have gained political power in the Northwest Frontier Province and who have some degree of allegiance to bin Laden don't become a more dominant political movement in Pakistan more generally." Adds Biden, "What I think you would see is John Kerry doing everything he can to build a greater consensus worldwide that will allow us, if need be, to even consider using force in conjunction with the Pakistanis against Al Qaeda in Pakistan."

Kerry's advisers won't map out everywhere they intend to use force. But they understand that the ideological campaign will bolster the military one. Policymakers in a Bush administration, a Kerry administration, or any subsequent government, will always have to consider the prospect that using force in a given situation could swell Al Qaeda's base of support instead of diminishing it, as the Iraq invasion has. But, though Al Qaeda will always portray U.S. action as a crusader's strike against Islam, when the political legitimacy of American power is on display, Al Qaeda's appeal is significantly diminished. As Biden says, "Remember all the talk that the Muslim street was going to rise up if we went into Afghanistan?" One reason it didn't was the near-unanimity of the international community in support of the invasion. What Kerry's ideological warfare is designed to do is expand the political space available to use force—which is further enhanced by expanding the stealthy and deadly capability of Special Forces. It's no accident that one of Kerry's earliest and most persistent critiques of Bush is over his failure to use American troops in December 2001 at Tora Bora, where the United States had both the political legitimacy and the military opportunity to strike a decisive blow against Al Qaeda forces. The strategy Kerry is proposing resembles nothing so much as a classic counterinsurgency campaign, where political and military measures reinforce one another against a shadowy and dispersed enemy. Against Al Qaeda, it's the only strategy that makes sense.

In a rare moment of candor, Bush conceded in an August interview, "I don't think you can win" the war on terrorism. But Al Qaeda is not invincible. It has to denounce mainstream Islamic clerics to give its religious pronouncements credibility. Its jihadists can be isolated, captured, and killed. If elected president, Kerry will inherit the Iraq occupation, a revitalized Al Qaeda, and a surge in anti-American sentiment, all of which will make prosecuting the war on terrorism extremely difficult. But he will be armed with a strategy that attacks Al Qaeda both ideologically and militarily—something the Bush administration has failed to do. Bush probably echoes many Americans when he wonders if the war on terrorism can in fact be won. A Kerry administration just might show him how to do it. ■

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Why I can't vote for Bush.

Conscientious Objector

BY ROBERT A. GEORGE

SIXTEEN YEARS AGO, just out of college, I volunteered at the Republican National Convention as a man named George Bush prepared to begin a fall campaign that would see him defeat a Democrat from Massachusetts. The sparkling words of an acceptance speech crafted by Peggy Noonan—and delivered almost flawlessly—helped him inspire his party and a country that saw him as an extension of Ronald Reagan. It fell to that George Bush to "close out" the cold war and launch a different one in the Persian Gulf.

Now, sixteen years later, after tenures working for the party and a couple of Republican members on Capitol Hill (including a speaker named Newt Gingrich) and becoming an earnest fellow traveler of the conservative movement, I find it impossible to support the current George Bush—whom his party sees as the ideological extension of Ronald Reagan—as he faces his own showdown with a Democrat from Massachusetts and oversees a war centered in the Middle East.

At the Republican National Convention, George W. Bush mocked John Kerry's claim of having "conservative values." But what are conservative values? Two of the core principles at the heart of modern conservatism are a belief in the virtue of smaller government and a conviction that government must be accountable to the public. Those principles were enunciated ten years ago in the Contract with America, which helped Republicans take full control of Congress for the first time in four decades. That document sought "the end of government that is too big, too intrusive, and too easy with the public's money." In this context, Bush's first term has represented a betrayal of conservative values.

It's not simply a matter of outrageous spending or enlarged government programs—both offenses of which this administration is guilty, as manifested in a 25 percent domestic discretionary spending hike, a half-trillion-dollar Medicare expansion, and the ripping away of free-market agricultural reforms enacted over the past decade. The president continues to pursue tax cuts, as any conservative president would. But a government that cuts taxes and continues to spend ultimately becomes as amoral as one that raises taxes and spends.

Yet the Bush administration's free-spending fiscal record only hints at its larger rejection of conservative principles. The more fundamental betrayal arises from the administration's central focus: an ill-defined "war on terror" that has no determinable endpoint and that is used to justify an unprecedented expansion of executive power. To make matters worse, this administration shows little inclination to demand accountability from those who serve within it. In turn, the Republican Congress—ignoring its 1994 vow to "restore the bonds of trust between the people and their elected representatives"—appears disinclined to check the powers of the executive. Together, these factors endanger the long-term health of the republic.

It is a good thing Bush has an idealistic streak that informs his vision of the world. That idealism leads him to a belief that "freedom is not America's gift to the world; freedom is the Almighty God's gift to each man and woman in this world." But, without demanding accountability from his administration, that messianic zeal is being corrupted, and his policies are lurching out of control. Without a defined, limited overall vision of the war on terrorism and a corresponding commitment to government accountability, Bush can hardly claim to be the champion of "conservative values."

SPEAKING ABOUT THE war on terrorism as the GOP convention kicked off, Bush told Matt Lauer on the "Today" show, "I don't think you can win it. But I think you can create conditions so that those who use terror as a tool are less acceptable in parts of the world." The White House immediately backpedaled from Bush's apparent gaffe, saying this was just a variation of what the president has always said—that the war on terrorism is a "different kind of war." But, as a former editor of this magazine, Michael Kinsley, once stated, "A gaffe is when a politician tells the truth." And that's just what Bush was doing.

The past four decades have seen "wars" on social conditions ("poverty"), inanimate objects ("drugs"), and physical states ("teenage pregnancy"). (Each has met with limited, if any, success.) What is different now is that, this time, a president has asserted that we are in an *actual* war that must be fought with the full wartime powers of the presidency. With vague congressional approval, this assertion grants the president—and, more importantly, the presidency—powers deeply disturbing from a civil liberties perspective. Indeed, this expansion of presidential prerogative is anathema to the conservative belief in limited government.

The dangers of this new, unlimited power were plain to see at a tough congressional hearing in June. Attorney General John Ashcroft squared off against the Senate Judiciary Committee as it looked into whether Ashcroft's office provided legal cover to the Department of Defense on issues involving torture. *The Wall Street Journal* and other papers ran stories based on a heavily redacted 100-page memo,

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dated March 6, 2003. Written by a Defense Department working group, the memo seemed to outline ways to justify the use of aggressive interrogation techniques on detainees at Guantanamo without running afoul of international treaties forbidding torture. The *Journal* reported:

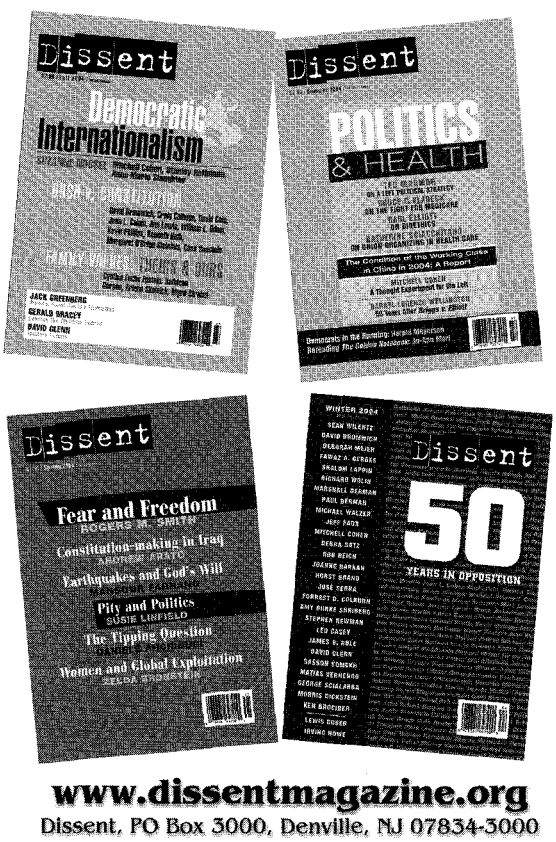
> "In order to respect the president's inherent constitutional authority to manage a military campaign ... (the prohibition against torture) must be construed as inapplicable to interrogations undertaken pursuant to his commander-in-chief authority," the report asserted....
>
> To protect subordinates should they be charged with torture, the memo advised that Mr. Bush issue a "presidential directive or other writing" that could serve as evidence, since authority to set aside the laws is "inherent in the president."

In essence, the authors of the Defense Department memo were arguing that, in wartime, getting around inconvenient laws is "inherent in the president." The memo's existence raised the possibility that the abuses at Abu Ghraib were, in fact, an extension of official policy.

At the hearing, Ashcroft denied that President Bush approved of torture. But, in refusing Democratic senators' demands to turn either the full memo or similar ones written by the Justice Department over to the Judiciary Committee, he said, "We are at war. And for us to begin to discuss all the legal ramifications of the war is not in our best interest and it has never been in times of war." Ashcroft was essentially asserting that Congress—whose oversight powers give it authority to demand accountability from the executive—should not be allowed to inquire about the quality of legal advice being given to the president. This, even though the apparent result of that advice "trickled down" to the abuse of prisoners in Guantanamo, Iraq, and Afghanistan.

If the answer to every legitimate congressional inquiry concerning presidential powers is that "we are at war" and that legislative questions concerning executive behavior are inappropriate, it becomes impossible for Congress to fulfill its constitutional mandate as a co-equal branch of government. At what point do the American people ask the obvious: What sort of war is this and exactly how long should a president have virtually indeterminate powers to wage it?

Yes, it is true that past presidents have taken on extraordinary wartime powers: In the Civil War, Abraham Lincoln suspended habeas corpus; in World War II, Franklin D. Roosevelt approved the internment of Japanese citizens. But, in both cases, there existed a defined foe. With each, there was a sense of what victory meant and over whom that victory would be won. The Union would defeat the Confederacy; America and her allies would defeat the Axis powers. Even in the cold war, the ideology of communism had a clear home in the Soviet Union. Those conflicts would end with the de-



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fined enemy surrendering, being defeated, or the motivating ideology collapsing. However long it took, the American people knew there would be some sort of definite conclusion.

But, in President Bush's vision, the terrorist enemy remains amorphous. After September 11, Osama bin Laden was wanted "dead or alive." Then, as the Iraq war developed, Saddam Hussein became the ace of spades in the terrorist card deck. Now, Abu Musab Al Zarqawi is the new face of evil. The war, we are told, will not end with any one of these men's capture or death. It will continue until ... until ... until when, exactly? Thus, the comparisons many make to previous U.S. conflicts are hardly applicable. Neither are the comparisons to decisions of previous commanders-in-chief who put aside civil liberties. For the 40 years of the cold war, the United States held off a Soviet enemy that had the power to destroy the country several times over—yet civil liberties were never curtailed to the extent they are now. In the current struggle, which some call World War IV, Americans are being asked to sacrifice liberties in the face of an enemy that has less ability to damage us than the Soviets did. This is not to minimize the threat of Islamist fundamentalism, but it is essential to put the capabilities of the enemy in perspective.

The Supreme Court gave some shape to these questions in a series of rulings on the rights of Guantanamo detainees and American "enemy combatants" Yaser Hamdi and Jose Padilla. What is broadly at stake could be seen in the vociferous end-of-the-spectrum minority statements by regular antagonists Justices John Paul Stevens and Antonin Scalia. Scalia found the detention of Hamdi, captured in Afghanistan, unconstitutional, but disagreed with how the Court chose to resolve it—i.e., by saying that the September 13, 2001, congressional war resolution gave Bush the power to declare individuals enemy combatants. Scalia asserts that the Constitution provides only two options—either Congress could vote to suspend habeas corpus or Hamdi could be charged with a crime, such as treason. Otherwise, Hamdi couldn't be held indefinitely. "The very core of liberty secured by our Anglo-Saxon system of separated powers has been freedom from indefinite imprisonment at the will of the Executive," concludes Scalia.

On Padilla, the court declined to hear the case on a technicality—Padilla's lawyer sued Defense Secretary Donald Rumsfeld in federal court, rather than the warden of the Louisiana jail in which Padilla was held. Stevens (who, in a man-bites-dog moment, also signed onto Scalia's dissent in the Hamdi case) railed against the Court decision not to hear the case:

> At stake in this case is nothing less than the essence of a free society. ... Access to counsel for the purpose of protecting the citizen from official mistakes and mistreatment is the hallmark of due process.
>
> Executive detention of subversive citizens ... may sometimes be justified to prevent persons from launching or becoming missiles of destruction. It may not, however, be justified by the naked interest in using unlawful procedures to extract information. Incommunicado detention for months on end is such a procedure. ... For if this Nation is to remain true to the ideals symbolized by its flag, it must not wield the tools of tyrants even to resist an assault by the forces of tyranny.

It is cold comfort that the furthest left and the furthest right justices on the Court are the ones arguing most vigorously about the dangers of an unchecked executive. But neither they nor any of their colleagues appear interested in pondering the hard questions of an American president with extra-constitutional "wartime" powers that could continue ad infinitum. Would these powers be automatically transferred to a hypothetical President John Kerry? President Hillary Rodham Clinton? President Jeb Bush? Should the American people simply take on faith the latest commander-in-chief's definition of who is or is not a terrorist? Would the American people have accepted such a refined status quo for the 40 years the cold war lasted? Or, in the formulation of adviser Karl Rove, the 30 years of Great Britain's conflict with the Irish Republican Army? (Even in that conflict, bargaining partners eventually emerged to craft an unsteady peace agreement, whereas Rove has dismissed the idea of ever signing a peace treaty with Al Qaeda.) How can the American people expect to stay on a war footing when the commander-in-chief has given them no concept of what "victory" would eventually look like? And how can they be expected indefinitely to tolerate an expansion of executive power that threatens the liberties upon which the nation was founded?

A PERMANENT WAR WOULD be dangerous enough if the public could be confident in its execution. But we cannot. That's because President Bush has failed to live up to the second key tenet of conservative government: accountability.

Take, for example, the Pentagon's disastrous planning for postwar Iraq. The lack of troops for the post-invasion period enabled the insurgency to bloom and put American soldiers at risk. Worse, while memos from Ashcroft's Justice Department seemingly provided *legal* cover for the abuse at Abu Ghraib, the *material* causes could be found, again, in the underdeployment of troops: "What went wrong at Abu Ghraib prison?" asked *The New York Post*'s Ralph Peters, one of the more earnest supporters of invading Iraq. Pointing to the two independent reports examining the scandal, he concludes: "Woefully deficient planning for post-war Iraq, too few troops and inadequate leadership at the top." Peters is among the conservatives who believe the Abu Ghraib fiasco should have been the final straw for Rumsfeld.

But it didn't happen. And it won't happen, because accountability is a foreign word in this administration. To demonstrate how little he has learned, Rumsfeld observed, "Does [the abuse] rank up there with chopping off someone's head on television? It doesn't. It doesn't. Was it done as a matter of policy? No." Forget that the abuse was far more pervasive than just the handful of servicemen that

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first popped up in photographs; when the secretary of defense basically says, "Hey, what the terrorists do is much worse," the moral foundation upon which America stands begins to crumble. The president's stated goal was to try to bring democracy to the Middle East—not to allow us to become tainted by the barbarism so prevalent in the region we are attempting to liberate. So Rumsfeld stays on—even as the situation rapidly deteriorates.

Then again, this shouldn't come as a surprise: George Tenet remained in his position following the worst intelligence failure in U.S. history, enabling him to tell the president later that evidence of weapons of mass destruction in Iraq was a "slam dunk." The first failure helped lead to the deaths of thousands of Americans; the second failure led us into a conflict from which there exists no clear exit strategy and that has rendered the word of the United States suspect. Yet Tenet stayed on, too.

And no wonder. As Bob Woodward writes in *Plan of Attack*, "[S]everal things were clear from the president's demeanor, his style and all that [Colin] Powell had learned about Bush. The president was not going to toss anyone over the side. ... The president also made it clear that no one was to jump ship. ... They were a team. The larger message was clear: Circle the wagons." The larger message is that loyalty is prized above all, regardless of the results and regardless of the effect on U.S. standing in the world.

The same pattern is evident in the other WMD scandal, a.k.a. the Wretched Medicare Debacle. As is well-known now, the prescription-drug-enhanced Medicare "reform" will cost a full quarter more—at least—than the originally announced $395 billion over ten years. Within weeks of the president's signing the bill into law, the measure ballooned to $534 billion. The re-estimation contributes to a record annual deficit for 2004. The *Post* reported that the larger numbers were known for "months" and that "the president's top health advisers gathered such evidence and shared it with select lawmakers"—while rank-and-file members of Congress were kept in the dark.

The deception on the numbers was combined with raw, hard politics that danced right up to the ethical and legal lines that supposedly govern the House. The legislation—the largest entitlement expansion in nearly 40 years—just squeaked by. Republican leaders in the House of Representatives kept the vote open for an unprecedented three hours in order to twist the arms of reluctant conservatives. Retiring Michigan Representative Nick Smith alleged that Republicans threatened the political future of his son if he didn't support the bill. Smith held his ground, despite the de facto extortion—actions that sparked an internal House inquiry that has resulted in House Majority Leader Tom DeLay having his hand slapped by the Ethics Committee for improperly trying to influence Smith's vote.

Ultimately, on both foreign and domestic policy, the public's trust has been betrayed. Why should the public trust its leaders with future policy if those leaders deceive and manipulate the people's elected representatives to get a favored policy passed? If the American public and the world at large now react skeptically to future presidential claims that the United States faces a foreign threat, who can blame them?

Similarly, the president's intent to reform Social Security will now be judged by the still-emerging costs of the Medicare reform—to say nothing of the political backlash from some seniors incensed at having to pay 17 percent more in premiums. The mishandling of domestic spending, of which Medicare is the prime example—whether because of ignorance, incompetence, or deceit—casts the same pall over Bush's domestic agenda that the collapse of Iraq does over his foreign policy. The president who dismisses criticism of the cost of Medicare is the same one who "miscalculated" the costs for rebuilding Iraq by at least $100 billion—and submitted a subsequent budget that omitted even an estimate of spending for the current military campaigns. Medicare actuary Richard Foster was threatened with firing if he told the truth about the costs of the reform bill, while his boss who pushed forward the lower numbers, Thomas Scully, departed quietly to a cushy health care–related policy job at a Washington, D.C., law firm. That was, of course, the same pattern we witnessed with the management of the Iraq war. Individuals who got the prewar details right—either in terms of troop strength (General Eric Shinseki) or in estimated fiscal costs (former National Economic Council Director Lawrence Lindsey)—were publicly rebuked or dismissed. Those who got the prewar details wrong remain in positions of authority. Conservatives—who fear unchecked, unaccountable government—should be especially appalled.

It would be wonderful to believe the president's promise that the war in Iraq will lead to democracy in a troubled region. An immigrant—I was born in the West Indies—tends to absorb the earnest, spiritual myths of his adopted nation even more than those native-born. Democracy is indeed a human value. But initiating a war to "liberate" an entire region far from our shores can hardly be called a conservative cause. It will be impossible to restrain a government kept on a permanent war footing. And, in liberty's name abroad, liberty at home will inevitably be compromised. It already has been.

No, a Kerry administration would not be any conservative's ideal. But, on limited government, a Democratic president would, arguably, force a Republican Congress to act like a Republican Congress. The last such combination produced some form of fiscal sanity. And, when it comes to accountability, one could hardly do worse. Of course, a conservative can still cast a libertarian vote on principle.

At crucial points before and after the Iraq war, Bush's middle managers have failed him, and the "brand" called America has suffered in the world market. In any other corporate structure plagued by this level of incompetence, the CEO would have a choice: Fire his middle managers or be held personally accountable by his shareholders. Because of his own misguided sense of "loyalty," Bush won't dismiss anyone. That leaves the country's shareholders little choice. ■

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BOOKS & THE ARTS

STANLEY KAUFFMANN ON FILMS

Insight and Oversight

IN 1983 INGMAR BERGMAN MADE *After the Rehearsal*, which took place on a stage and explored relationships between a theater director and some of his actresses. Now comes a French film, **SEX IS COMEDY,** written and directed by Catherine Breillat, which explores relationships between a film director and two of her actors. Breillat, born in 1948, who is also a novelist, has been writing and directing films since 1975. *Sex Is Comedy* does not approach Bergman's film in depth or scope, yet—something like Bergman—it opens fissures through which we can glimpse oddities and strains in film directing and acting.

SEX IS COMEDY
(IFC)

I ♥ HUCKABEES
(Fox Searchlight)

This is a picture about the making of a picture. We never, and never need to, learn much about the film that is being made within Breillat's. We concentrate on only two of its scenes. In the first one, a couple do some kissing on a beach; in the second, they make love on a bed. The beach scene is shot on a cold day. Director and crew are well wrapped, and the lovebirds, lying on the sand in bathing suits, have to generate heat. The second scene, in which the young man deflowers the girl, is rife with subtler difficulties. The young lovers in that interior film are played by experienced actors, as the two people who play those actors (Grégoire Colin and Roxane Mesquida) indeed are. Nevertheless, the two actors have personal difficulties preparing for the sex scene that are much more complicated than embarrassment. Those troubles grow from the actors' beings outside their roles and their dealings with the director. (She is incisively played by Anne Parillaud, best known from *La Femme Nikita*. Breillat denies that this character is modeled on herself. OK. Remember Guido, the director in Fellini's *8½*? Fellini went through the same rite of denial.)

The substance of Breillat's film, the action of which is relatively slight, is in the director's perceptions about her job—not merely the directing itself, but the personal valences that shift and combine in the chemistry of creation. Breillat says that she called this film *Sex Is Comedy* not because it is funny—the only comic element is a plastic penis that the young man wears, though we don't see it in the bed scene—but because "the very principle of comedy is the opposite of what's comical.... Comedy is having a sense of humor about our most tragic inhibitions." The film has no tragedy either, but, genre definitions aside, it does have some truth. At one point Parillaud says that actors can pretend in most scenes of any script, but that in sex scenes no fakery is possible. "Your ass is your ass," she says.

This is Breillat's expression of a view that, as it happens, I have long held about explicit sex scenes, though I have never stated it so succinctly. Sex scenes require the least acting (unless one is dealing with pathological characters). Connections with the art of acting are gradually shed as the scene progresses—because sex itself, as it progresses, becomes less and less individual. Individuality pertains very stringently in the selection of partners and in beginnings; but the further that two people advance toward the sex act, the less individual they are, the more closely they become members of a global immemorial ballet. John ceases to be John: he becomes, in Breillat's terms, his ass. The same is true for Mary.

Breillat understands that, in such a scene, the performers move out of acting into revelation. After the scene is shot, the actress sobs uncontrollably, and the director embraces her. She holds the young woman while, so to speak, the actress becomes less naked. It is the only moving moment in a film that fascinates otherwise.

Breillat also gives us a procedural insight. Directing a film is, in one sense, less like directing a play than like conducting music. The theater director is finished when the curtain goes up; he or she can only watch. But the orchestral conductor is present and leads the performance while the music is being made. The film director is present almost to the same degree while we watch a film. He or she has been there during every moment of the making of what we see, affecting matters as they proceeded, and if the sound was not being recorded or if it was going to be re-recorded, the director could even have spoken to the actors while they acted, which indeed was standard practice in the silent days. *Sex Is Comedy* adds the director to the cast of every film.

Not limited to sex, David O. Russell's new film—his fourth—is a comedy about everything. The title is **I HEART HUCKABEES**: on screen and in the ads the second word is represented by a heart. Russell's first three pictures were daring: *Spanking the Monkey* and *Flirting With Disaster* about domestic matters, and *Three Kings* about the Gulf War. This time his daring dares even more. He attempted to make a farce about the mysteries of existence.

The idea of using reality and perception and the puzzles of purpose as farcical subjects is highly attractive. Where Russell wobbles in this screenplay, which he wrote with Jeff Baena, is not in his intent but that he omitted to make it funny. He seems so busy bragging about his nerve that it smothers the comedy. All the hustle and bustle seems to be confined behind a pane of glass that cuts off the jokes and dulls the action. (At one point someone actually talks about a pane of glass.)

The story, which more aptly could be called the trampoline, is the upward struggle of Albert, an employee of Huckabees, a chain of superstores. He is ungainly (played by the ungainly Jason Schwartzman) and is a sort of Petrouchka. His chief rival is a smoothie named

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Brad (played by Jude Law, not exactly the gigantic Moor of *Petrouchka*, though he serves much the same purpose). The necessary female is a model for the company's ads, played dollishly by Naomi Watts. In the course of the twisty story, Albert engages a pair of self-styled existential detectives, man and wife, played by Dustin Hoffman and Lily Tomlin. Also involved is a French analyst whose calling card reads "Cruelty, manipulation, meaninglessness," played, inevitably, by Isabelle Huppert.

But all these people suffer from Russell's ponderous directing of a screenplay that seems aimed to display his deep-dish erudition rather than to entertain us. (In how many films has Robinson Jeffers been mentioned?) The result is a doughy response to the Mystery of It All rather than, say, a Beckettian comic glimpse of the void. Russell's inflated ambition has misguided his wit. Instance: in one scene, meant apparently as a merry revelation of private fantasies, Brad literally nurses a baby. Hilarious?

The most encouraging fact about the picture is, paradoxically, that it was made. If Russell was able to get this script funded and was able to enlist the top-rank talent in the cast, he must have some clout in the film world. We can hope that *Huckabees* doesn't weaken it and that Russell will resume—as before. ■

DAVID HAJDU ON MUSIC
God Only Knows

NO MASTERPIECE IS SO great as a lost one—a symphony unfinished, a painting painted over, a novel shredded or suppressed. Largely or wholly unheard, unseen, or unread, such a work derives its life, as most objects of legend do, from scraps of generative evidence and the accretion of romantic speculation about them, and it takes its lasting if ethereal form in the creative imagination of the public. The lost masterpiece is the only artwork that is perfect, the fulfillment of all our artistic dreams, because it exists primarily or solely within them.

BRIAN WILSON PRESENTS SMILE (Nonesuch)

Incomplete or perished works have loomed as large as (or larger than) extant creations since the Renaissance, when Michelangelo's greatest achievement was thought to be not the ceiling of the Sistine Chapel, nor the Pietà, but his painting of the Battle of Cascina—an unfinished work already mythologized during the sixteenth century. (Cellini wrote of the Cascina painting that "nothing survives of ancient or of modern art which touches the same lofty point of excellence.... He never rose half-way to the same pitch of power.") In our own time, the salvage departments of the arts have only expanded to accommodate ever more forms and new claims. Yes, Orson Welles did well enough with *Citizen Kane*; but might he have contributed something comparable in the field of non-fiction film had he finished his documentary *It's All True* in 1942? (Welles, the Buddha of the Coulda, left a rich legacy of aborted or sabotaged masterworks, from *The Magnificent Ambersons* through *Chimes at Midnight* and *Touch of Evil* to the countless scripts he claimed to have written and discarded.) Did Bruno Schulz really have the Great Jewish Novel in his unread *Messiah*, or were the accounts of his writing it the greater fiction? How many unpublished manuscripts did the NKVD steal from Isaac Babel's apartment? What if the Reaper had not defeated Duke Ellington in his race to complete his epic jazz opera, *Queenie Pie*?

Such questions are sometimes best left unanswered, as Joseph Mitchell found when he discovered the unseemly truth about Joe Gould's once glorified but never finished (because it had scarcely been started) "Oral History of Our Time." Harold Brodkey, who dined well for some thirty years on the reputation of a novel always in progress, could have learned from Gould and left bad enough unpublished. To rephrase the words of the rummy newspaperman in *The Man Who Shot Liberty Valance*, when the facts spoil the legend, don't print anything.

In 1967, Brian Wilson, the principal composer and producer for the Beach Boys, cut short work on an album for the band first titled *Dumb Angel* and re-named *Smile*, which would promptly and henceforth be regarded as the lost masterpiece of rock. One was due. Rock and roll, then about fourteen years old, was approaching the end of a pop-music style's usual life cycle, with its original audience entering adulthood. It had to change (as swing music had, transmuting into bebop, for the previous generation) or give way to something new. Rock musicians, emboldened by an emerging school of serious-minded rock critics, grew progressively adventurous, and their records became more conspicuously artful—more complex and sophisticated, but idiosyncratically so, drawing upon the ability of recording technology to conjure the volatile multiformity of the drug experience.

In May 1966, the Beach Boys had released *Pet Sounds*, the group's resourceful venture into sonic experimentation and lyrical introspection, which Paul McCartney, duly provoked, would call "the album of all time." Three months later, the Beatles issued *Revolver*, the eclectic forerunner to *Sgt. Pepper's Lonely Hearts Club Band* (and its superior, song for song, for all *Sgt. Pepper's* invention). With *Smile*, Wilson would later explain, he set out to surpass everything that he and his bandmates and the Beatles and every other rock musician had ever done. He said he wanted to make the greatest album in rock history, "a teenage symphony to God." The cultural economy had entered an inflationary stage.

Looking back after thirty-seven years, knowing as we do that some rock musicians of the late 1960s and 1970s lost their way in the fantastical land of pointy hats and the London Symphony Orchestra, we may be quick to dismiss grand aspirations such as Wilson's as misplaced for a pop artist. We saw punk come along in the 1970s and yank rock and roll back into the garage, where it sounded primal and true again. But ever since then, we—critics, especially—have tried to keep the music locked there, effectively containing it in an orthodoxy as formal and rigid as that of chamber music or bluegrass. No wonder so many rock bands sound dull today; imprisonment deadens. In the face of countless new bands of neo-punks

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replicating the thrashing of their parents' era like karaoke, who wouldn't find relief in one with the true nerve to try writing a teenage symphony to anybody? Therein we might find the same exuberant naïveté, freshness, and restless fumbling that gave both *Smile* and early punk their power.

SMILE WAS IMPOSSIBLY AMBITIOUS and unwieldy, but it was not pretentious—at least not in its original incarnation, and decidedly not in its music. (The nonsensical smugness of the lyrics contributed by Van Dyke Parks is another matter.) *Smile* was sincerely, perhaps naïvely, over-reaching, but it didn't ring false. In fact, the music that Wilson conceived and recorded in 1966 and the beginning of 1967 endures as a testament to postwar popular music's capacity to resist conformity, and defy category, and indulge the personal, and alienate the masses. Although most of the *Smile* sessions that Wilson produced for the Beach Boys have yet to be released officially, dubs have circulated in high-quality, annotated bootlegs for decades, and they almost justify the music's reputation.

The tracks are consistently inventive and varied, and most of them are lovely. Some are well known from versions released on official Beach Boys records over the years, such as "Good Vibrations," a marvel by any standard, so durable that it survives Parks's clunky alternate lyrics ("I—I love the colorful clothes she wears/And she's already workin' on my brain/I—I only looked in her eyes/But I picked up something I just can't explain"); "Heroes and Villains," a daring collage of tonal effects and shifting tempos; "Surf's Up," a majestic piece of music, despite Parks's cold, obtuse lyrics ("columnated ruins domino!"); and "Vegetables" (or "Vega-Tables"), a delightfully goofy riff about healthy food, one early recording of which had a rhythm track of Wilson and Paul McCartney munching on celery and carrots in tempo. Other tracks from the early sessions have yet to be issued officially as they were originally recorded, including "Do You Dig Worms" (aka "Do You Like Worms" and "Roll Plymouth Rock"), a tuneful echo of Stephen Foster; "Child Is the Father to the Man," a charming little thing (its title drawn from Wordsworth) built in layers of syncopated lines; and "Mrs. O'Leary's Cow" ("Fire"), a cartoonish instrumental. There are more, and most are fascinating; still, the original sessions remain just that: sessions, experiments unfinished. (Some of the key recordings have no lead vocal tracks, and others stop abruptly, without resolution.)

Wilson, in his prime during the time of *Pet Sounds* and *Smile*, was a composer and producer whose very aesthetic was based on a melding of the two roles. He made records rather than absolute music. As he told an interviewer in 1967, "Spector started the whole thing. He was the first one to use the studio. But I've gone beyond him now." Actually, the otherwise contemptible Mitch Miller preceded Phil Spector in employing studio technology and sound effects (a cracking bullwhip, honking geese) to create an aural sphere wholly distinct from that of live performance for the pop-music audience, and avant-gardists such as Pierre Schaeffer, Karlheinz Stockhausen, and John Cage outdid them both conceptually. Still, Wilson, like Spector, the Beatles, and others prominent in 1960s rock, used the studio as a compositional instrument, and an unfinished recording of a piece was, for Wilson, a piece unfinished.

WILSON'S REASONS FOR abandoning *Smile* have never been clear. Indeed, the open questions about the project's collapse have contributed mightily to *Smile*'s legend: it has a mysterious death narrative. By some accounts, the other Beach Boys—Wilson's brothers Carl and Dennis, their cousin Mike Love, and their childhood buddy Al Jardine—felt uncomfortable with the material, especially the lyrics, and drove Parks to quit prematurely, leaving the composer without a collaborator to whom he could relate. "He's a genius, to say the least," Wilson has said of Parks. (One wonders what is the most Wilson would say of him.) "With amphetamines pushing a freight train of ideas through our brains," Wilson has said elsewhere, "Van Dyke and I enjoyed a compatibility that was inspiring."

Wilson, who has said that he wrote much of the music on hashish as well as amphetamines, has blamed the drugs for undermining *Smile*, or at least its market potential. "I thought [*Smile*] was too weird," he recently told *The New York Times*. "I thought it was too druggie-influenced, I thought the audience wouldn't get it." But cynics have speculated that Wilson and the band pulled *Smile* as a tactic to negotiate for higher royalties from Capitol Records. Others have suspected that Wilson broke down under the strain of reaching too far beyond his grasp.

Word spread that Wilson had suffered a nervous breakdown—a plausible prospect, considering his history of mental illness; he had long suffered from depression and had been prone to erratic behavior, problems no doubt exacerbated by his hardy recreational drug intake. Around the time of *Smile*, Wilson had an enormous sandbox constructed in his living room to house his grand piano so that he could wiggle his toes in the sand for inspiration, and when a building across the street from the recording studio burned down a few days after the sessions for "Mrs. O'Leary's Cow," Wilson blamed the song, which he believed to have telekinetic powers.

To evade inquiries about the record's status, Wilson would claim that he had destroyed the tapes. This, conflated with reports of the building fire and widespread talk of Wilson's psychosis, would provide the tragic climax of the *Smile* myth: the mad genius burns his masterpiece in an oblational pyre. Subsequent unearthing and dissemination of the tapes in the bootleg underground would give the recordings an aura of sacred texts, while Wilson's reclusiveness and volatility would feed the hoariest adolescent notions about the duality of insanity and inspiration. Brian Wilson, enshrined by his fans as the pop Nietzsche, would never again attempt anything nearly so ambitious as *Smile*, which no one in the rock audience could legally hear.

I HAD AN UNCLE WHO GAVE ME dating advice when I was single. "When a girl stops her train of thought and says, 'Oh, never mind,'" he told me, "leave it alone—don't ask what she was going to say. You don't want to know." The rule applies to both genders and transcends courting, I have learned, and I thought of it when I heard last year that Brian Wilson had had a sudden change of heart about *Smile*.

With his brothers Carl and Dennis dead, and with Mike Love toting around a tribute band under the Beach Boys name, Wilson has in recent years been performing and recording as a solo artist. His mental health has stabilized, by all accounts. After a successful tour of the *Pet Sounds* music—with the Wonder-

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mints, a California power-pop band, covering for his old bandmates—Wilson was encouraged to follow up with live performances of *Pet Sounds*' intended successor, *Smile*, and he assented. Wilson, then in his early sixties, re-united with Van Dyke Parks, a year his senior, to make something of the pieces that they had left scattered in 1967. "There are intimations of mortality here, intimations about the end of [Wilson's] performing cycle," explained Parks in a recent interview. "I get the impression that Brian knew he was running out of time."

In concert appearances, members of Wilson's troupe hold him by the arms and guide him to and from the chair he sits in when he sings. To prepare *Smile* for presentation, many of the same colleagues provided the composer with essential musical support. Darian Sahanaja, keyboardist for the Wondermints, scored musical passages to connect the disparate bits of *Smile* material, and he smoothed out the endings of pieces and their tempos to give the myriad bits cohesion. Parks, a composer and arranger in his own right—he wrote the scores for the Jack Nicholson movies *Goin' South* and *The Two Jakes*—also contributed ideas to complete the elements of *Smile* and organize them as a coherent unit. In addition, Parks brought in quite a few lyrics not in the original recordings, perhaps reconstructed from memory or old notes, perhaps newly written.

Despite Wilson's fanciful description of the project, it was never a symphony any more than it was an expression of teenage identity or a message to God. (Only "Good Vibrations" evokes the adolescent experience; and just one piece, the lush wordless opener "Our Prayer," is overtly connected to faith, although one could arguably call just about any composition a kind of sacred communication.) The *Smile* archaeologists who have been generating the bootlegs, fanzines, e-mail lists, and scrapbooks on the subject (including a 299-page paperback collection of news clips and miscellany, *Look! Listen! Vibrate! Smile!*, edited by the "*Smile* historian" Domenic Priore) largely agree that the original record was to be packaged as a relatively conventional collection of discrete songs, along with one suite to be called "The Elements." (Around 1980, one of several times Wilson revisited *Smile* for possible completion and release, he talked about wanting to organize all the tunes in three sections.)

The version prepared for concert performances and adapted for CD, by contrast, is something more advanced and elaborate: a three-movement work of components arranged to flow as of a piece; themes recur, as in formal music—almost always in the new interstitial segments and orchestral flourishes that are the result of recent collaborating by Wilson, Sahanaja, and Parks. The work seems reverse-engineered to fulfill not only the historical promise of the original but also the larger myth that has grown around it. The CD is a compelling argument for *Smile*'s singularity as a masterwork of long-form pop; but it cannot be mistaken for evidence of it.

Unlike the early Beach Boys records that made Wilson's outsized reputation, the new version of *Smile* is essentially a performance piece documented on CD, rather than a work inextricable from the recording medium. The basic tracks were taped in segments over five days' time, with all the musicians, including those in the sizable horn and string sections as well as the rock players, performing live together in the studio. In 1966, Wilson

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and the Boys spent six months to make the ninety hours of tape that provided the three minutes and thirty-five seconds of "Good Vibrations." The mise-en-scène of the new *Smile* is the concert hall, not the studio; and so the CD denies *Smile* the essence of Wilson's aesthetic.

The biggest problem with *Brian Wilson Presents Smile* is the absence of the group for which the music was composed. "The thing is," Wilson explained in an interview in 1966, "I write and think in terms of what the Beach Boys can do." *Smile* was conceived for and geared to their voices—the exquisite blend of their literally related vocal instruments, the muscular grace of Carl Wilson's lead singing, and Mike Love's contrapuntal bite. The Wondermints, who are highly proficient musicians, do not have the personality of the Beach Boys; they have a personality of their own, a snarky one that gives their CDs of original material an ironic kick, but they keep it in check here. What they are doing on *Smile*—superbly—is mimicry, which is a difficult job, but something intrinsically devoid of the veracity and the individuality that made the Beach Boys wonderful. Brian Wilson was never the best singer in the group, and he is trying to carry all the lead vocals some four decades after his prime. His voice, a game old soldier too weak for duty, trudges through the new *Smile*, struggling to stay in key, swallowing words.

FOR ALL THE HAZARDS INHERent in the task, artists such as Wilson certainly have the prerogative to return to old work years after the fact. Hell, they're the artists, and it is their work. If Manet could go into people's houses and repaint sold canvases, an aging Beach Boy can re-record "Heroes and Villains." But another question remains: does a different person have the right to take up another artist's incomplete work and attempt to finish it or to restore it? That is closer to the point with *Smile*.

Brian Wilson is a vastly different man today than he was when he left the music unfinished. We all change over time, though rarely as much as Wilson has as an artist. A few months ago, he released the most recent of his solo CDs, *Gettin' in Over My Head*, an assemblage of new recordings so bland, formulaic, and corny that they are irreconcilable with the work of the man who set out to create *Smile* years ago. They were done by someone else, and that person is clearly not functioning on the same creative level as Wilson was in 1966. It is no wonder that Wilson relied upon colleagues to help bring *Smile* to the stage and now to CD. What they did is well meant, but it is also at once indistinctive and excessive, like the scene of *Turandot* added by another composer after Puccini's death.

Toscanini famously dropped his baton when he reached the last bar that Puccini wrote. We could do something roughly comparable and listen only to the original *Smile* recordings—if a legitimate record company would release them. In the meantime, we have only *Brian Wilson Presents Smile*. Brian Wilson's *Smile*, masterpiece or not, is still lost. ■

David J. Garrow
Saving Thomas

JUDGING THOMAS: THE LIFE AND TIMES OF CLARENCE THOMAS
By Ken Foskett
(Morrow, 339 pp., $24.95)

THIS WEEKEND CLARENCE Thomas celebrates his thirteenth anniversary on the Supreme Court. Thirteen years is a long time, yet most Americans over the age of thirty no doubt still know more about Thomas's confirmation hearings before the Senate Judiciary Committee than they know about his judicial opinions since that time. Sitting justices usually make news only if they are the victim of an attempted mugging, like David Souter earlier this year, or if their choice of vacation partners leads to an ethical dust-up, as did Antonin Scalia's duck-hunting jaunt with Dick Cheney, a litigant in a case before the court. But Thomas is different. Sandra Day O'Connor can give speeches at various colleges and bar associations without garnering any out-of-town press attention, but a Thomas speech to a bar group can generate a front-page, above-the-fold story in *The New York Times*. O'Connor and Chief Justice William H. Rehnquist can publish books about the Court that earn only gently respectful reviews, but when Thomas offers to write a memoir, competing publishers' bids top out at the remarkable sum of $1.5 million.

Anita Hill, who in 1991 publicly accused Thomas of having sexually harassed her ten years earlier, has disappeared from the public eye. Any conclusive resolution of their conflicting accounts of what happened between them now appears highly unlikely. But Thomas remains a lightning rod, less for the notoriety of that now-fading controversy than for the bold political views that fueled his Reagan-era rise and still inform his most notable judicial opinions. Vitriolic attacks on Thomas as a Republican lawn jockey long pre-dated his confirmation battle, but during his first half-dozen years on the Court they continued apace. Prominent African Americans asserted that not only was Thomas an unworthy successor to Thurgood Marshall, but that he was not truly black.

Few citizens read Supreme Court opinions or have any other opportunity to plumb how a justice is evolving philosophically. What few impressions the public obtains about a justice thus tend to stick indelibly, if only because so little new information ever emerges from so opaque an institution as the Supreme Court. In Thomas's case, the images of a decade ago—a lecherous yes-man whose reactionary conservatism blinds him to human suffering—may still supply the stick-figure portrait most Americans bring to mind when they hear Thomas's name.

Close observers of the Court know how fictional this picture is, but explicit challenges in the mainstream press to the dominant stereotype have been rare. Now comes this biography by Ken Foskett, a reporter for the *Atlanta Journal-Constitution*. Three years ago, on the tenth anniversary of Thomas's nomination by President George H. W. Bush, Foskett authored a three-part newspaper

David J. Garrow is the author of BEARING THE CROSS *(Morrow), a Pulitzer Prize–winning biography of Martin Luther King Jr.*

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series on the justice's life. While reporting those stories, he approached Thomas outside the small Roman Catholic church on Capitol Hill where the justice regularly attends morning Mass. Thomas, like all his colleagues, shuns most media interactions, but he chatted willingly with Foskett. "We walked and talked all the way to the Supreme Court and continued our discussion for another twenty minutes in the lobby," Foskett recounts. Thomas sustained their interactions—"correspondence, phone conversations, and several hourslong discussions about his life and American history"—even as Foskett expanded his work into a book. And two of Thomas's judicial colleagues, Antonin Scalia and Ruth Bader Ginsburg, granted Foskett on-the-record interviews, an almost unprecedented degree of cooperation in a book about a sitting justice.

Judging Thomas is certainly a sympathetic portrait, but even though Foskett eschews direct criticism of Thomas's record and opinions, some of his implicit psychologizing—"inwardly [Thomas] craves attention and esteem"—will certainly leave the justice squirming. As with other journalistic biographies of Supreme Court justices, such as Juan Williams's *Thurgood Marshall: American Revolutionary*, Foskett makes no pretense of having thoroughly reviewed Thomas's judicial opinions. "The key to unlocking Justice Thomas's decision making is not dissecting the opinions but understanding the man who wrote them," he announces at the outset.

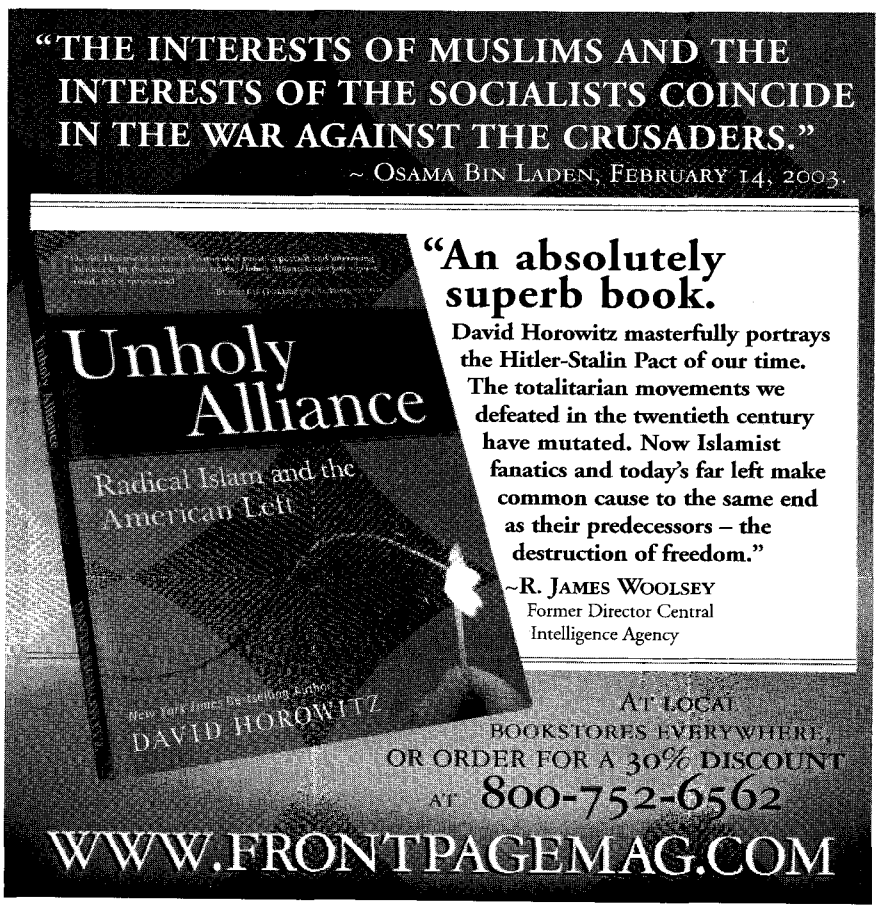
That insistence is not entirely wrong, for Thomas's judicial opinions on both race and religion sometimes feature what Foskett rightly calls "ideas torn straight from his youth." A more extensive examination of Thomas's opinions, especially his concurrences and dissents, could have significantly enriched *Judging Thomas*. But Foskett's hundreds of interviews with Thomas's family and friends allow him correctly to identify and to explain what appears to be the decisive turning point in Thomas's post-confirmation life, and that contribution alone marks this book as an important and overdue biography.

THE OUTLINE OF THOMAS'S early life was widely publicized at the time of his nomination. Born in 1948 in Georgia, in a poor, rural, all-black community called Pin Point, Thomas hardly knew his father and was raised primarily by his grandparents. His grandfather, Myers Anderson, was a stern and hardworking taskmaster who attained economic success despite his humble roots and his limited schooling. The young Thomas attended all-black Roman Catholic schools until his high school years, when he volunteered to be one of the first two black students to desegregate a previously all-white Catholic boarding school near Savannah.

Foskett does a fine job of describing the world of Thomas's youth, but he makes insufficient use of a remarkably self-reflective speech that Thomas delivered to the historically black National Bar Association in Memphis in 1998. *The New York Times* gave the speech front-page coverage following prolonged controversy within the lawyers' group over whether or not Thomas should speak, a battle that diverted attention from much of what Thomas had to say. If his Memphis remarks at all foreshadow the memoir that he is now writing, Thomas may become by far the most self-revealing justice ever to sit on the Supreme Court.

In Memphis, Thomas recalled that it was during his first year at that largely white school that he "answered with a resounding 'yes'" the question of "whether as an individual I truly believed that I was the equal of individuals who were white." Upon graduating in 1967, Thomas left Savannah to attend a tiny Benedictine college in western Missouri. His goal was to become a Roman Catholic priest, but he quickly learned that the overt racism that he had experienced in Georgia existed outside the South, too.

The first major turning point in Thomas's life occurred on April 4, 1968, when news of Martin Luther King Jr.'s assassination prompted one of his white classmates to exclaim, "Good. I hope the SOB dies." Thomas was horrified, by King's killing and by his fellow seminarian's response. That night he resolved to leave school when the semester ended and to abandon his goal of the priesthood. Thirty years later, Thomas recalled his experience of King's death. "The rush of hopelessness and isolation was immediate and overwhelming," he told his Memphis listeners. "This cataclysmic event ripped me from the moorings of my grandparents, my youth, and my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faith" and "shattered my faith in my religion and my country."

THOMAS RETURNED TO SAVANnah, where Myers Anderson reacted with fury to his grandson's decision, creating a rift that Foskett says "never fully healed." Thomas moved into his mother's small apartment, and later remembered that "I stood at the brink of the great abyss of anger, frustration, and animosity." When the nun who taught him high school chemistry encountered him on the street and heard his story, she called a former student who was attending the College of the Holy Cross in Massachusetts and begged him to tell school officials about Thomas. An application packet arrived in the mail, and Thomas reluctantly completed it out of a sense of obligation to his teacher. Holy Cross quickly offered Thomas an academic scholarship, and in the fall of 1968 he enrolled there as a sophomore. He waited tables for more than five hours a day in a campus dining hall and became an active member of the Black Student Union. When the group voted on a proposal for an all-black floor in a dorm, Foskett reports, the plan "passed 24 to 1. Thomas was the lone holdout."

Thomas's opposition to self-segregation went hand in hand with his advocacy of "complete liberation from the slavery that whites—whether knowingly or otherwise—persist in foisting upon the black man," as he wrote in 1969 in the campus newspaper. Thomas was friends with Holy Cross's half-dozen black Muslims, and he volunteered regularly in a free-breakfast program inspired by the Black Panthers. During that work he also became involved with Kathy Ambush, a local woman whom he married in 1971 just as he graduated from Holy Cross. Foskett says little about her.

During his senior year Thomas was accepted by several distinguished law schools, and he enrolled at Yale, which offered the best financial aid. His years at Yale were very unhappy. "I didn't belong there," he told Foskett. "I didn't fit in." Foskett writes that "Yale's elitism reawakened Thomas's deep resentments over class and racial distinctions." In contrast to Holy Cross, Yale Law School found Thomas "nearly always sitting at the black table in the dining hall."

During Thomas's second year of law school, his son Jamal was born. As graduation approached, Thomas looked forward to receiving a job offer from a prominent Atlanta law firm, and so turned down a chance to work for a well-known black lawyer in Savannah. But the Atlanta offer was not forthcoming until after an increasingly desperate Thomas had already accepted a lower-paying job with Missouri Attorney General John Danforth. That turn of events, Foskett says, left Thomas "utterly mortified and defeated" and "badly damaged his self-esteem." But working for Danforth in Jefferson City, Missouri's small and remote capital, proved to be a joy. "It wasn't black this and black that," Thomas told Foskett. "I didn't have to play any roles.... You got to be you." Foskett portrays it as an idyllic time. " 'It was the best job I've ever had,' said Thomas, sitting in his Supreme Court chamber more than twenty-five years later. 'Still, to this day, it's the best job I've ever had.' "

THOMAS SPENT LESS THAN three years in Jefferson City, because in 1976 Danforth was elected to the Senate and, rather than accompany his boss to Washington, Thomas took a far better-paying job in St. Louis with the Monsanto Corporation. Danforth's renewed offer of a Senate staff job brought Thomas to Washington in 1979. Fifteen months later Ronald Reagan won the presidency from Jimmy Carter, and a pre-inauguration *Washington Post* article on up-and-coming black Republicans singled Thomas out as especially noteworthy. He told Juan Williams of *The Washington Post* that he had no desire for any civil rights post in the executive branch, but six months later, when the new administration offered him the job of assistant secretary for civil rights at the Department of Education, Danforth and other friends prevailed upon him to accept it. Eleven months later, the White House named Thomas chairman of the Equal Employment Opportunity Commission. It was a high-profile post at an agency that often attracted partisan crossfire from Congress, and the eight years that Thomas spent as chairman, between 1982 and 1990, included repeated runins with minority interest groups upset over EEOC policies and Thomas's own pronouncements.

How did Thomas become a Reagan conservative? Foskett says that even at Yale "Thomas's class sensitivities were beginning to steer him away from liberal politics." He also notes what he calls Thomas's "natural contrariness." But the key to Thomas's evolution almost certainly lies in his "lifelong battle to define his own identity." His refusal to allow others to put him in pre-determined pigeonholes reaches back all the way to his teenage struggles for a modicum of independence from his domineering grandfather. That pattern repeated itself throughout high school, college, and law school, and Foskett asserts that it gave way, in an "erosion of principle," only when Thomas moved to Washington and allowed Danforth and the Reagan White House to propel him into stereotypically black jobs that he had vowed he would never accept.

Foskett says that Thomas's years at the EEOC featured repeatedly unsuccessful efforts to demonstrate political independence from the White House and the Justice Department, but the book's treatment of those years is rather sketchy. Those years also witnessed significant upheavals in Thomas's private life: he was divorced, he increasingly assumed primary custody of his young son, and he married Virginia Lamp, a younger woman who is white, in 1987.

HIS LIFE CERTAINLY ENTERED a new chapter soon after George H. W. Bush became president in 1989. Bush's counsel, C. Boyden Gray, recommended Thomas for the appellate judgeship on the high-profile U.S. Court of Appeals for the District of Columbia Circuit that had just been vacated by the unsuccessful Supreme Court nominee Robert Bork. Thomas was ambivalent about becoming a judge—"I never made up my mind, and just sort of went along and filled out the forms," he told Foskett—but later that year his nomination went to the Senate. Only one vote was cast against him in the Judiciary Committee, followed by just two on the Senate floor, and in March 1990 he ascended to the appeals court at the age of forty-one.

According to Foskett, President Bush wanted to name Thomas to the Supreme Court just five months later, when Justice William J. Brennan stepped down, but Gray and other advisers convinced him that Thomas was "too young and inexperienced" for so rapid a promotion. Yet a year later, when Justice Thurgood Marshall retired, Bush lost no time in nominating Thomas for the vacancy. Foskett reprises the angry drama of

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Thomas's confirmation battle without adding any startling facts. He asserts that Anita Hill's identity and allegations "were Washington cocktail conversation weeks before she became a household name." He also portrays Thomas as no more decisive about whether to persevere or to withdraw than he had been in his apparently reluctant acceptance of his earlier appointments.

"I didn't have any energy to go back and keep fighting," Thomas told Foskett, who writes that "in the end Thomas said he simply did what everyone was telling him to do" by appearing for a second time before the Senate Judiciary Committee to angrily rebut Hill's claims. The final vote, fifty-two to forty-eight, was the narrowest confirmation in Supreme Court history, and the cost of victory was steep indeed. "Thomas would never be the same. He emerged scarred and traumatized" and "profoundly altered," Foskett writes. Scalia told him that Thomas was "beaten down" when he joined the court. "It took him several years to get over the beating he took. He was very bitter about it."

THOMAS'S FIRST YEAR AS a justice featured his widely criticized dissent in *Hudson* v. *McMillian*, in which a prisoner asserted that the rough treatment he had received from a guard violated the Eighth Amendment's prohibition of "cruel and unusual" punishment. Relying upon a lower court's characterization of the prisoner's injuries as "minor," Thomas said that the constitutional answer was no. "A use of force that causes only insignificant harm to a prisoner may be immoral, it may be tortious, it may be criminal, and it may even be remediable under other provisions of the Federal Constitution, but it is not 'cruel and unusual punishment,'" he wrote. Criticizing what he called "the pervasive view that the Federal Constitution must address all ills in our society," he emphasized that "abusive behavior by prison guards is deplorable conduct that properly evokes outrage and contempt. But that does not mean that it is invariably unconstitutional." Instead, he asserted, "primary responsibility for preventing and punishing such conduct" belongs to the states, not to the federal courts.

Thomas's dissent was a classic call for federal judicial restraint, reminiscent of views that were held by Felix Frankfurter and John M. Harlan II a generation earlier, but editorial criticism rained down on him. *The New York Times* called Thomas the "youngest, cruelest justice." Six years later, in his Memphis speech, Thomas cited his *Hudson* dissent and said that "I can't help but wonder if some of my critics can read." Most troubling was the accusation "that I supported the beating of prisoners in that case. Well, one must either be illiterate or fraught with malice to reach that conclusion," he rightly asserted, for "no honest reading can reach such a conclusion."

The originalist view of the Constitution that Thomas expressed in *Hudson* was starkly displayed also in *United States* v. *Lopez*, a widely noted case in 1995 in which a five-four majority struck down the Gun Free School Zones Act as an unwarranted exercise of Congress's Commerce Clause power. As in *Hudson*, Thomas's singular focus was on what the constitutional provision at issue was understood to mean at the time of ratification, and his *Lopez* opinion tellingly featured citations to a trio of colonial-era English dictionaries published in 1773, 1789, and 1796.

"The power to regulate 'commerce' can by no means encompass authority over mere gun possession, any more than it empowers the Federal Government to regulate marriage, littering, or cruelty to animals, throughout the 50 states," Thomas wrote. "Our Constitution quite properly leaves such matters to the individual states." Whether Thomas will prove consistent when the constitutionality of the Defense of Marriage Act comes before the Supreme Court remains to be seen, but there can be no doubting the stark view of constitutional authority that he articulates.

"The popular fiction that Thomas [is] nothing more than the hapless dupe of Justice Scalia," says Foskett, betrays "an obvious racist subtext." "Because I am black, it is said that Justice Scalia has to do my work for me," Thomas mockingly observed in 2000. The widespread perception is rooted in the simple truth that "he is really the only justice whose basic approach to the law is the same as mine," Scalia told Foskett. Yet during the court's 2003–2004 term, Scalia and Thomas voted together in only 73 percent of cases, and six other pairs of justices agreed with each other more often than Thomas and Scalia did.

Thomas's independence is obvious and undeniable, and he is sometimes a more principled and radical jurist than his benchmate, as Scalia himself admitted to Foskett. "He does not believe in stare decisis, period," Scalia said of Thomas's attitude toward the presumptive authority of prior decisions. "If a constitutional line of authority is wrong,

Iphigenia's Dissent

Distinguish the hour before sunrise from the hour before
the light fades. Disappear into time, as now, when I hear
the howl of distant wolves. I douse the fires in the mouths
of my doublemouthed cave. My discontents sour.

Father, I will depose you but once: How
could *you? Is this a face that asks to die?*
You want a sacrifice? I say, get a goat. I
will not be butchered like some shepherd's kid.

I am like my Queen, reclining in my own side-shows.
Old men stand by wagering on the outcome of my
father's scheme. The winner's reward will be a contrary
wind that might never be reversed.

Noble Father, this zest for war needs to be cut up
and left bleeding for future generations of auditors,
eyeless descendants lifting the curse. I tell you, I own
this story. The tale is this: today there will be no curse.

The gods remain uninterested in my secret knowledge; they
know my father's plan will not stand. I am willing my
own justification. I am streets ahead of everybody. I am
specializing in troublemaking and surviving my father.

Any story but mine is a mis-interpretation. Farewell
Father. I am off to Crimea. Oh Father, I love you still.
I say farewell, Father. I dissent. Farewell Aga aga
aga aga aga aga *mem* no no no no no no *non.*

KATHRYN STARBUCK

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he would say let's get it right. I wouldn't do that."

But *Lopez* shows that Thomas is not actually as radical as Scalia says. While Thomas complained that "our case law has drifted far from the original understanding of the Commerce Clause," he recommended "constructing a standard that reflects the text and history of the Commerce Clause without totally rejecting our more recent Commerce Clause jurisprudence." As Thomas explained in a footnote, "Although I might be willing to return to the original understanding, I recognize that many believe it is too late in the day to undertake a fundamental reexamination of the past sixty years. Considerations of stare decisis and reliance interests may convince us that we cannot wipe the slate clean."

THOMAS'S INDIVIDUALITY IS most powerfully revealed in his judicial opinions about race. During his first year on the court, he made a valiant and largely successful effort to ensure that a ruling in the long-running Mississippi higher education desegregation case, *United States* v. *Fordice*, did not harm the state's historically black public colleges. Challenging both Scalia and O'Connor, Thomas's undeniably pro-black opinion asserted that "it would be ironic, to say the least, if the institutions that sustained blacks during segregation were themselves destroyed in an effort to combat its vestiges."

Two years later, in *Holder* v. *Hall*, a case that originated in Georgia, Thomas voiced strong opposition to the way the federal Voting Rights Act was being used to create safe-seat majority-black districts. Existing case law that "encourages federal courts to segregate voters in racially designated districts" was "a disastrous misadventure in judicial policymaking," Thomas declared. Not only was it "destroying any need for voters or candidates to build bridges between racial groups or to form voting coalitions," it also embraced "the view that race defines political interest. We have acted on the implicit assumption that members of racial and ethnic groups must all think alike on important matters of public policy and must have their own 'minority preferred' representatives holding seats in elected bodies if they are to be considered represented at all." Such a practice of "segregating the races into political homelands," Thomas said in exceptionally strong words, "should not continue. Not for another Term, not until the next case, not for another day."

Four years later, in his Memphis speech, Thomas asserted that to "define each of us by our race" is "nothing short of a denial of our humanity." Objecting once again to "this notion that our race defines us," Thomas proclaimed that he was standing before his fellow black lawyers "to assert my right to think for myself, to refuse to have my ideas assigned to me as though I was an intellectual slave because I'm black. I come to state that I'm a man, free to think for myself." Perhaps aware of a poll that found that 44 percent of African Americans viewed him negatively and only 32 percent favorably, Thomas told his Memphis audience that "it pains me more deeply than any of you can imagine to be perceived by so many members of my race as doing them harm." And his opinions in race cases certainly do not justify any such perception.

This was most powerfully demonstrated in 1995, by his single most notable statement, in *Missouri* v. *Jenkins*, a school desegregation case. "It never ceases to amaze me that the courts are so willing to assume that anything that is predominantly black must be inferior," Thomas complained. In the context of public education, that presumption led to the belief "that any school that is black is inferior, and that blacks cannot succeed without the benefit of the company of whites." Rebutting those views, Thomas insisted that "black schools can function as the center and symbol of black communities, and provide examples of independent black leadership, success, and achievement." Likewise, "there is no reason to think that black students cannot learn as well when surrounded by members of their own race as when they are in an integrated environment."

Thomas believes that an ongoing presumption of black inferiority underlies all the race-sensitive policies that America's white majority has misled the majority of black Americans into fervently embracing. " 'Racial isolation' itself," he observed in *Jenkins*, "is not a harm; only state-enforced segregation is. After all, if separation itself is a harm, and if integration therefore is the only way that blacks can receive a proper education, then there must be something inferior about blacks. Under this theory, segregation injures blacks because blacks, when left on their own, cannot achieve. To my way of thinking, that conclusion is the result of a jurisprudence built upon a theory of black inferiority." For Thomas, the Constitution's command is simple and absolute: "the government may not make distinctions on the basis of race." As he explained in another case, *Adarand Constructors* v. *Pena*, decided the same day as *Jenkins*, "racial paternalism and its unintended consequences can be as poisonous and pernicious as any other form of discrimination." Affirmative-action plans may be intended to aid African Americans and others, but "these programs stamp minorities with a badge of inferiority," Thomas warned.

THOMAS'S OPINIONS ARE AN indelible tribute to black racial pride, and to his own resolute insistence on being treated as a fully independent individual. Those opinions are fitting indeed for the young undergraduate who volunteered for a Panther-style breakfast program but also dissented from a black-separatist housing program. To call Thomas a black nationalist may provide only modest illumination, given the fluid contours of that label; but there is no mistaking, or denying, that Clarence Thomas is just as African American, and just as comfortable being African American, as was his almost universally praised predecessor, Thurgood Marshall.

In *Missouri* v. *Jenkins*, Thomas repeated the same time-honored call for judicial restraint that he voiced in *Hudson*: "we must recognize that the judiciary is not omniscient, and that all problems do not require a remedy of constitutional proportions." When such a judicial philosophy is articulated by Scalia, it occasions no surprise and little controversy; but Thomas is different, and in his Memphis speech he correctly explained why. "I have no right to think the way I do because I'm black. Though the ideas and opinions themselves are not necessarily illegitimate if held by non-black individuals, they, and the person enunciating them, are illegitimate if that person happens to be black." Thomas believes he is the victim of a racist double-standard, and he is right.

Today Clarence Thomas is just fifty-six years old. There is a very good chance that he will serve on the high court—which currently includes an eighty-four-year-old senior justice and an eighty-year-old chief justice and two other

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Twisted Words and Phrases (2)

How the Arabs soften up world opinion with fanciful myths.

In the previous of this series of hasbarah (educating and clarifying) messages, we described how Arab propaganda systematically twists words and phrases so that eventually they come to mean almost the exact opposite of their original intent. We discussed "Terrorists and Freedom Fighters" and "Dishonor in the Muslim World." Here are two more examples of such twisting of language, and there are many more like it.

What are the facts?

"Palestinian land:" A great hue and cry has arisen about the Israeli barrier (called the "apartheid wall" by its noisy detractors). At a cost of billions of dollars, Israel has been forced to erect such a barrier in order to safeguard itself against constant murderous attacks that have so far cost over 1,000 Israeli lives and have hurt and mutilated thousands more.

Fourteen out of fifteen judges of the International Court of Justice have condemned this barrier as "illegal." The only laudable exception to this lopsided and totally unwarranted decision was that of the U.S. judge on this (otherwise kangaroo) court. What particularly agitated the judges was that this barrier allegedly intrudes on "Palestinian land." But, of course, there is no such thing as "Palestinian land." The Palestinians do not own any land in Judea/Samaria (the "West Bank"). That land, originally part of the Ottoman Empire, became part of the British Palestine mandate after the First World War and was allocated as part of the Jewish homeland by the Balfour Declaration. In the War of Liberation of 1948, right at the birth of Israel, the invading Jordanian army occupied that territory and assumed possession. In the Six-Day War, Israel repulsed the attack and stayed in possession of the territory.

Judea/Samaria (the "West Bank") is therefore part of Israel. If at some future date Israel should decide to relinquish any part of that territory to a Palestinian entity, then it would indeed become Palestinian land. But right now, there is no such thing. "Palestinian lands" do not exist. It is a twisted phrase, created by Arab propaganda to score public relations points and to create confusion in an uninformed public.

"Arab humiliation:" A great deal of ink is being spent on "Arab humiliation" at the hands of the Israelis. There are almost daily stories in the papers deploring the "endless delays" that Arabs suffer at being stopped and interrogated and in some cases searched at one of the many check points. Those delays, which undoubtedly are major inconveniences and annoyances to the Arabs, have one purpose only, namely to reduce and to the degree possible to prevent altogether the passage of suicide bombers that have so far caused so many Jewish victims.

The Arabs have brought those miseries upon themselves with their "intifada," now over four years old. There were no check points and no delays before that started. And what could one say about women who, feigning pregnancy, carry explosives under their garments and blow up the female guards who examine them and all others around them? Or what about little children in ambulances who are supposedly in urgent need of quick passage (to a Jewish hospital), but who have bombs hidden in their gurneys, ready to explode and to kill?

> "Peace cannot come about until the Arab world is willing to wholeheartedly accept Israel and to forget about military action and the war of propaganda."

But how about the "humiliation" and annoyance that the Jews have to endure? For Jews, normal life in Israel has practically ended. Motorists in Israel expose themselves to a gauntlet of sniper fire on the highways. Most school trips have been canceled for fear of attack on the children, similar to what the Moslem barbarians have just perpetrated in Russia. Social occasions, such as weddings or bar mitzvahs, can't take place unless armed guards are provided. Restaurants, movies, stores and parking lots have to be heavily guarded. Arabs, on the other hand, can freely move through any part of Israel, the cities and the countryside, without any fear of attack. They need not protect their schools or their places of worship, their restaurants, grocery shops or other places where people gather. And they need not fear for their children and that Jews are going to blow them up.

The prevention of Islamic terror is an enormous burden on Israel. Fully three percent of the country's $40 billion GNP goes to protection against terror. The Palestinians brought their misery upon themselves, but the Jews suffer much more from the necessary security precautions than they do. "Arab humiliation" is a twisted phrase, invented and endlessly promoted by Arab propaganda in order to engage the sympathy of the world.

The Arab Moslems have launched three major wars against Israel and have engaged in a constant war of attrition, in order to destroy what they call the "Zionist entity" (another twisted phrase). Unable to defeat Israel militarily, they have resorted to an endless war of propaganda, in which twisted words and phrases play a major role. They have been quite successful at that. Peace cannot come about until the Arab world is willing to wholeheartedly accept Israel and to forget about military action and the war of propaganda. But that day, if it is to come at all, is not yet in sight.

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justices over seventy—for many more years. Over the past thirteen years he has emerged as a uniquely African American judicial conservative. Perhaps before another thirteen years pass, his right to advance his opinions will no longer be challenged on simply racial grounds. One need not endorse his stark judicial philosophy in order to insist that true equality means that any man or woman, of whatever racial or ethnic heritage, can just as rightly articulate those views as can Euro-American white males. That is Clarence Thomas's challenge to America, and there is little doubt that in this, too, he will eventually prevail. ■

Jamey Gambrell
Hell

THE DEATH OF A POET:
THE LAST DAYS OF
MARINA TSVETAEVA
By Irma Kudrova
Translated by Mary Ann Szporluk
(Overlook, 232 pp., $29.95)

IN MOSCOW EARLIER THIS YEAR I attended the premiere of *The Passion of Marina*, a documentary, directed by Andrei Osipov, on the life of Russian poet Marina Tsvetaeva, who was born in 1892 and died by her own hand in 1941. The standing-room-only crowd in the huge auditorium of the Cinematographer's Union was reverent; old and young had come to remember the country's betrayal of one of its most original and brilliant poets. The collapse of the Soviet Union was not accompanied by any expiation of collective sin: there was no Nuremberg, no lustration, no Truth and Justice Commission. In the absence of such public reckonings, films such as this one, and books such as Irma Kudrova's *The Death of a Poet: The Last Days of Marina Tsvetaeva,* have assumed this documentary and cathartic function, at least for those in Russia who still care about such things.

The book and the film are equally intense, each in its own way. *The Passion of Marina* compressed the poet's life into one hour, interweaving photographs and rare film footage from the time, voiced over with the poet's own words, culled from her writings and correspondence. The images included film of her father Ivan Tsvetaev, founder of what is now Moscow's Pushkin Museum of Fine Arts, being greeted by Nicholas II at the opening ceremonies in 1913. Scenes of well-dressed upper-class families like Tsvetaeva's promenading along Moscow's boulevards were followed by portraits of the newly wed poet and her husband, the writer Sergei Efron, still adolescents, in bohemian dress at the Crimean home of the poet Max Voloshin (where Tsvetaeva met Osip Mandelstam, with whom she had a brief affair in 1916), and the huge bright eyes of their first daughter, Ariadna, known as Alya.

Her father's museum and her mother's tuberculosis were the determining poles of Tsvetaeva's childhood, as the family traveled about Europe in search of another exhibit or a better sanatorium, and the future poet absorbed French and German culture and literature. Her husband and his revolutionary politics were the determining factors in the rest of her life. Tsvetaeva herself was deeply apolitical, preferring the truth to all ideology; but her loyalty ran as deep as her aversion to politics. In *The Passion of Marina*, scenes of a once-serene city seized by revolution and starvation were followed by photographs of the family house where Tsvetaeva, herded by Soviet housing policy to a single attic room, lived with her two children, cannibalizing the banisters and rafters for fire and cooking wood. There she waited nearly four years for news of Efron, who had been evacuated with the White Army, and in 1920 received the news of her younger daughter's death in a children's home that had held the promise of better provisions.

There, too, she wrote prolifically, producing an extraordinary amount of poetry, and recording the trials of life under the new regime in her Moscow notebooks. "I didn't write down the most important thing," she remarked in *Attic Life*, a prose account of her impoverished, physically grueling life in post-revolutionary Moscow: "the gaiety, the keenness of thought, the bursts of joy at the slightest success, the passionate directedness of my entire being—all the walls are covered with lines of poems and NB! for notebooks." Tsvetaeva was evolving into the formidably original poet whom most Russians would place squarely in the great twentieth-century quartet—at the very foundation of the language—along with Pasternak, Mandelstam, and Akhmatova. Tsvetaeva was on the cusp of some of her best poetry, which fermented amid social upheaval, and came to fruition in the relative calm of emigration after 1922.

HAD THOSE WALLS BEEN ABLE to speak the words written on them all at once, the result would have been a terrible cacophony of contemporary voices—gentry, commissar, worker, soldier, peasant, priest—mixed with the ancient cadences of a mythic, pre-Christian Russia preserved in folk tales, rhymes, and epic poetry. All these intonations, inflections, rhythms, and tempos—and the living realities that corresponded to them—were eventually given voice in Tsvetaeva's work. She wrote poetry and prose that was attached inseparably to the structure of the Russian language, and that could vault from the mundane to the sublime in the space of an iamb.

Using this multitude of voices, Osipov's film moved swiftly through the years of emigration: from reunion with Sergei in Berlin in 1922, through Prague and the birth of their son Georgy (known as Mur), constant material hardship, lovers real and epistolary, to 1937 in Paris and the beginning of the end—the end that Kudrova's book investigates in minute detail. First Alya, and then Sergei, zealously enamored of the great socialist experiment, returned to what was now Soviet Russia—even Mur, who had never set foot on Russian soil, longed to "return." Efron had undergone an evolution from anti-Bolshevik cadet to NKVD recruiting agent, and had been implicated—wrongly, according to Kudrova—in the murder of a Soviet agent turned party critic named Ignace Reiss. He was forced to flee France to escape arrest. Tsvetaeva

Jamey Gambrell is a writer and translator. Her translation of Marina Tsvetaeva's EARTHLY SIGNS: MOSCOW DIARIES 1917–1922 *was published by Yale University Press.*

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knew nothing of his activities. When she was interrogated by the French police, she insisted that he was honorable, and incapable of killing anyone. The Russian émigré community had never accepted Tsvetaeva: despite her paeans to the White Army, she was too independent, and her praise of Mayakovsky and Pasternak made her too poetically radical. Now she was a total outcast. Nobody could believe that she had been unaware of her husband's work as a Soviet agent.

ORIGINALLY PUBLISHED IN Russian in 1995, Kudrova's book is one of the more sensational publications about the poet. It makes use of newly accessible archival material and fills in many gaps in knowledge of the poet's last years. The book begins as Marina and her son board the boat that would take them from France to Russia. Stalin's purges had already been in full swing in 1937, when Sergei was smuggled out of France. Tsvetaeva stayed on for nearly two years, receiving a stipend from the Soviet embassy (her only source of support), waiting for permission to travel to the Soviet Union, and making meticulous copies of her manuscripts to be left in the West for safekeeping. Unlike her husband, she had no illusions about the country to which she was returning. Still, she was not prepared for Stalin's reality. When she arrived at the NKVD dacha outside Moscow where Sergei and Alya lived in June 1939, she learned that her sister and nephew had already been arrested, and soon realized that she and her family were under virtual house arrest. Within three months her daughter and then her husband were taken away. Both arrest warrants were signed by Beria himself. Flight had not saved Efron from prison.

Like Kudrova's Russian readers, the audience watching *The Passion of Marina* knew the story and probably even most of the lines by heart. At this point in the grim narrative, though, there was a collective intake of breath and people sat forward rigidly in their seats. A haggard, anguished Efron appeared on screen, in prison irons, pleading and struggling with guards taking him to his execution. Could his arrest have been filmed? No, the face was too young—but how could any actor so remarkably resemble him? As it turned out, it was indeed Efron, shown in twelve amazing seconds of prophetic footage discovered in a silent movie made in Paris in 1927.

The unexpected apparition of a living, breathing Efron on screen in a scene so closely mirroring his own fate was a shock. It felt like that moment in dreams where events condense and spiral into nightmare. There might be an ominous knock at the door or the foreboding sense that you cannot find your way out of a room. Panic begins to build. Suddenly you remember that you are asleep. You try to wake up. You can't wake up. Your eyes won't open, no sound emerges when you try to speak; or, on the contrary, you think you have woken, only to realize that you have sunk into a deeper layer of dream, and what awaits you is even more frightening. Tsvetaeva's life upon her return to Russia, as Irma Kudrova describes it, possessed just this quality. The spiral of nightmare lasted, unabated and ever deepening, from June 1939 until August 31, 1941, when a rope finally squeezed the nightmare out of the poet and ended her life.

After the arrests, Tsvetaeva was faced with the continuing struggle to find a place to live and the means to support herself and her son, marked by weekly prison visits to send packages alternately to Alya and to Sergei. (If a package was accepted, it was thought to mean that the person was still alive.) She no longer wrote much poetry ("That's over with now," she noted in her diary in 1940), and anyway the wife of an enemy of the people could not think of publishing her verse. Instead she took on every translating job that she could find, which resulted in fine Russian translations of folk songs about Robin Hood, and poems by Lorca, Baudelaire, and others. For a while Marina and Mur were able to get a room at a writers' colony just outside Moscow. There they received meals and had some semblance of social life. This did not last long; they moved back to Moscow, where they spent months in an agonizing search for a room to rent (detailed in Mur's recently published diaries). In March 1941—almost a year and a half after her daughter's arrest—Tsvetaeva learned that Alya had been sentenced to eight years in the Gulag, and finally began receiving letters from her.

Then the Germans invaded Russia. Preparations began to be made for evacuating Moscow. Tsvetaeva was in agony in July and early August. The frequent air raids that forced the population into underground shelters brought on acute panic attacks. More than one contemporary account describes an ashen Tsvetaeva shaking with fear when the sirens sounded. She obsessively questioned everyone she met about whether or not she should evacuate along with one of the writers' echelons. On August 8, Pasternak saw her and Mur off on a riverboat that would take them toward Yelabuga, a small city on the Kama River not far from Chistopol, where many writers and their families had gone. The trip took ten days. Once there, Tsvetaeva found a dingy room and set about trying to transfer to Chistopol and find work; there, at least, were people she knew, people who knew her and her poetry. But her search proved in vain, and she returned to Yelabuga. A few days later she hanged herself while her son was out.

ONE OF RUSSIA'S LEADING Tsvetaeva scholars (since the publication of this book she has written two more volumes on Tsvetaeva's life and work), Kudrova spoke to every possible survivor, corresponded with their friends and relatives, and sought out anyone who might conceivably possess even the smallest nugget of information about Tsvetaeva's life after her return to Russia, particularly the fateful days in Yelabuga. Her work, like that of many other Tsvetaeva scholars, has been a labor of love and duty

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performed over decades: some of her references go back to conversations with Tsvetaeva's daughter or other contemporary witnesses in the 1970s. Hers is not the first book to cover the last two years of the poet's life: *Skreshchenie sudeb*, or *Intersecting Fates*, published in Moscow in 1988 and in a second edition in 1999, and still untranslated, is a vivid, moving, and partly first-hand account of the period by Maria Belkina, whose husband, the Soviet literary critic and bibliophile Anatoly Tarasenkov, knew Tsvetaeva during those years.

But in the early 1990s, with the aid of a petition filed by Tsvetaeva's sister and nephew, Kudrova managed to gain entry to the KGB archives. There she found case records, including interrogation protocols and stenographers' transcriptions, for Alya, Efron, and their fellow returnees Nikolai and Nina Klepinin and Emilya Litauer, all of whom Efron had recruited to work for the NKVD in France. In addition, Kudrova was allowed some access to then-unpublished diaries and other materials in Tsvetaeva's archive a decade before they were opened. (Ariadna Efron returned from the camps and exile in 1956 and devoted herself to preserving and promoting her mother's work. When she died in 1975, she closed the Tsvetaeva archive until 2000. Recently much new material has been published, and Kudrova may need to revise her book, as she predicted in her preface.) Kudrova was thus able to reconstruct the Efron affair in plausible detail, and to contrast and compare the many extant versions of Tsvetaeva's last days and suicide.

In Russian, Kudrova's extraordinary, chilling addition to the growing list of books on Tsvetaeva written in or translated into English is titled *Gibel' poeta*—which means "the death of a poet," certainly, but also much more than that. The word *gibel'* also means doom, ruin, or destruction. It is precisely the web of doom in which the poet found herself trapped that Kudrova traces here, and this distinguishes her book from other biographical studies. The web was decidedly not of Tsvetaeva's making. Kudrova tries to tease out the strands of the poet's destruction: she dissects and juxtaposes the official interrogation reports filed for Alya, Efron, the Klepinins, and Litauer, all friends of the Efrons in France and inhabitants of the dacha at Bolshevo. This book is as much about them as it is about Tsvetaeva.

As Kudrova attempts to unravel the troublesome, knotty facts of Tsvetaeva's last years, she tries to understand what now seems ludicrous—that highly intelligent individuals such as Efron and his devoutly Orthodox friends the Klepinins, having initially opposed the Bolshevik regime, could have come to believe so fervently in the "socialist construction" of the USSR, while living safely in the freedom of France, that they would become its secret agents and be involved, however tangentially, in murder and kidnapping. In the case of Alya, loyalty to the Soviet "cause" and assertion of her father's honorable service to the motherland continued until her death, despite her mother's suicide and more than a decade spent in the Gulag.

How did they arrive at such a point? Why did they do what they did? And why did they continue to think that their arrests were mere "mistakes" rather than evidence of systemic depravity? At the heart of Kudrova's historical inquiry lies a moral conundrum:

> Ariadna [Alya], the first to be arrested, was the first one to "crack." She began to confess within a month after the first interrogation.... When you get to this part of the interrogation reports, you experience a severe shock.
>
> "I didn't engage in anti-Soviet conversations," appears in Ariadna Efron's testimony, "and I reported any to the NKVD agents with whom I maintained contact."
>
> "Reported?" How could that be true?... Are we to believe that during these meetings Tsvetaeva's daughter "informed" ("gave accounts," "reported"—who knows what it was called?) about what her closest acquaintances said and how they said it? ... How were such things possible—and while they were free?
>
> The people in the Bolshevo house were not exceptional monsters. The point—and the sorrow, and the moral and psychological mystery—lies in the fact that these people were unselfish, self-sacrificing, and sincerely concerned about the general good; moreover, they were deeply religious and in their own eyes, as in the eyes of those around them, they were scrupulously honest. If you can understand what happened to them, you can understand much in the history of the Soviet Union in the thirties.

From her own experience in the historical context of the "vegetarian" (as Akhmatova put it) 1950s, Kudrova knows how tangential the relationship between the written record and the living experience of interrogation can be. Yet from her meticulous detective work—necessarily part speculation, as she admits—a fairly consistent picture emerges. It illuminates the interrogators' method of establishing a "case" based on trivial remarks turned topsy-turvy and distorted, confronting the accused with "confessions" of friends and relatives, and arranging "confrontations" with those same friends and relatives. Prisoners also had the "right" to request a face-to-face confrontation with other confessed prisoners. Interrogations often went on through the night, for eight or ten hours at a stretch, with interrogators rotating shifts.

Soviet investigators scrupulously recorded the time their "conversations" began and ended, and they had the prisoners sign their confessions and each page of the transcripts. "Whence this preoccupation with the observance of 'rules,'" Kudrova writes, "for whom was this spectacle played out—without spectators, without witnesses ...? The investigation records are unique material for a psychiatrist—so obvious is the wackiness of Soviet investigators. Their brains seem to have been wired by a special circuit; the instilled Soviet clichés had replaced logic. 'Not black' meant 'white,' 'not ours' meant 'that of the imperialist sharks,' 'against us' meant 'done on behalf of capitalism and for money'.... And don't believe that after Yeltsin's victory in August 1991 everything inside that same organization suddenly changed," she cautions.

Beyond the recorded words, however, lay beatings, sleep deprivation, hunger, humiliation, and threats both physical and psychological. In Alya's petition for "rehabilitation" in 1956, she wrote of being beaten with rubber truncheons, having to stand for hours undressed in a cold cell, and being subject to a mock ex-

Ulysses
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ecution. Eventually she gave them what they wanted: her confession that she had been recruited by French intelligence and sent to the Soviet Union on an espionage mission—and, on September 27, 1939, the real jewel: "Not wishing to conceal anything from the investigation, I must report that my father was an agent of French intelligence." She subsequently tried to retract her statements about her father, but Efron had been arrested less than a fortnight after his daughter's "confession."

Kudrova traces the prisoners' responses as they evolved in reaction to the realization that, whether they "confessed" or not, they were considered a priori guilty of anything their captors cared to hold against them. In Kudrova's reading, Sergei Efron emerges as an honorable if deluded man. "The records of all eighteen interrogations of Efron," Kudrova says, "create a distinct picture of his firmness and his readiness to stand before Soviet justice to answer for his real transgressions." The "real" transgressions, in his view, were the political alliances of his youth. Efron stuck to the facts, refused to fabricate stories or incriminate others, or to follow the acceptable version of his guilt laid out for him by the investigators and his friend Klepinin during a face-to-face encounter. And yet he willingly enumerated those he had recruited for clandestine work with the NKVD—among them Konstantin Rodzevich, with whom Tsvetaeva had the stormy affair that produced the magnificent *Poem of the End*.

The investigators showed no interest in the work that Efron and his comrades had actually carried out for the NKVD (a pity, Kudrova remarks, since that would have provided valuable material on Soviet activities in Europe between the wars). They were determined to "prove" that the Eurasianists and Efron's Union for Repatriation were anti-Soviet organizations allied with foreign intelligence services and a Trotskyite plot to infiltrate the USSR. Interestingly, they questioned Efron about Tsvetaeva only once; and he stated unequivocally that his wife knew nothing of his political activities, and that though she had indeed had her poems published in anti-Soviet journals, she was not interested in politics and never took part in any political activities. Klepinin was questioned about her on numerous occasions—in fact, one entire session was devoted to Tsvetaeva (probably in reaction to the letter she wrote to Stalin defending her husband, which is included in the book). He said much the same thing: Tsvetaeva knew nothing of her husband's work and was not interested in politics. He added only psychological details that did nothing to advance the investigator's case:

> Tsvetaeva was a very original person.... She often said that she would have liked to live a hundred or two hundred years ago because she found everything contemporary to be alien and unpleasant.... Her political beliefs? It's very hard to answer that question. She usually contradicts the person she's speaking to at the moment. When speaking with White émigrés, she would repeatedly express pro-Soviet views, but with Soviet people she would defend the White émigrés.
>
> The whole system of the USSR and communism is alien to her.

The investigators' interest in Tsvetaeva passed; perhaps they did not need her for the "case" that they were building, or perhaps they thought that such an eccentric would be more trouble than she was worth. In any event, she was not arrested, and the NKVD appeared to lose interest in her.

OR DID THEY? IN THE LAST section of her book, on Tsvetaeva's twelve days in Yelabuga, Kudrova considers all the different explanations of Tsvetaeva's suicide. In brief, these amount to the possibilities that it was a selfless act to save her son, or a result of acute mental illness, or a way to avoid collaboration with the NKVD. Like every aspect of Tsvetaeva's life and poetry, each "version" has its fierce partisans and its stalwart opponents, but they are in no way mutually exclusive. By piecing together testimony and speculation from many different sources, weighing their relative reliability, finding confirmation of NKVD practices at the time in other, documented incidents, Kudrova makes a convincing case that the NKVD approached Tsvetaeva in Yelabuga, perhaps offering her work in exchange for "information." This, Kudrova believes, was at least a contributing factor. Sixty-three years after the poet's death, many questions remain unanswered, and archives that might help to answer them are more inaccessible now than when Kudrova originally researched the book.

Finally Kudrova cannot really answer her own questions about the behavior of Efron and his comrades. There is no archive that could put such questions to rest. But she rightly suggests that the search for answers may be as important as the answers themselves:

> Quick judgments only impede the search for the roots of good and evil, the attempt to explain reasons and consequences. Without this search you cannot make a diagnosis and cure the illness. At any moment it can flare up with new strength.... What peculiarities of personality allow such a virus to penetrate without resistance, to pervert beyond recognition moral values that had been cultivated for years? Why does the same temptation not affect other people? What protects them?

Her words carry a peculiarly contemporary sting, and not only in relationship to Russia or the past. "Is it an accident," she writes, "that moral rust has so often affected 'fighters for social justice'? Isn't it because they accepted on faith the primacy of social interest over the personal? Perhaps. If only we didn't know how often informers were people who immediately took care of their personal welfare."

Within several weeks of his arrest, Efron's already bad health had deteriorated, and he had been hospitalized as the result of a suicide attempt. The investigators slowed the pace of their interrogations, but only a bit. On July 6, 1941, he was condemned to death, as were his comrades from the dacha at Bolshevo. The sentence was carried out on October 16, 1941. Tsvetaeva had already been dead for a month and a half. ■

THE MACHIAVELLIAN NEOCONSERVATIVES

Commentary

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LOS ANGELES DIARIST

After Hours

WHEN I LIVED HERE, I had a job where I routinely broke the law, and the more I did it, the happier I made my supervisors. It wasn't the stuff of infamy—I simply worked more hours than I recorded, and my co-workers did the same. The heads of our office told us to report every hour we worked, but, had we actually done so, they would have fired us. This required no official directive; everybody just knew. Oddly enough, some reports about Abu Ghraib in my suitcase have caused me to start thinking about this, even as I get ready to go to a wedding.

ABU GHRAIB HAD TWO MAIN PHASES: organized lawlessness and the subsequent investigation. My job, which involved going to abysmal factories and investigating their labor standards, taught me a little about what goes on in those stages. The field, only about a decade old, is called "social responsibility monitoring." Companies with names we all know—Nike, Kmart, Ann Taylor, Costco, Home Depot—would hire my company to check whether their suppliers were running the sort of factories that might land them on a "20/20" exposé. We did inspections in the United States and around the globe, from Syria to Saipan. The irony, of course, was that we were looking for violations even as we were committing them ourselves.

I LIKED THE WORK, ACTUALLY. I ESPECIALLY enjoyed coming home from trips abroad and working for a few weeks in L.A., which is a big manufacturing town if you count its suburbs. I'd leave my apartment in a green, well-watered part of the city and head east to yellow, drier parts, where factories churn out mattresses, meat products, gaskets, and trousers. These places are as close to downtown as Santa Monica or Malibu, but the names are less famous—Vernon, City of Industry, Gardena, El Monte, Commerce. It was pleasing to see this side of Los Angeles. I'd come across things like a warehouse full of bands rehearsing, or a Chinese restaurant with food I'd never seen outside of China, or a casino owned by Larry Flynt (it's called the Hustler, should you be in Gardena). I even grew fond of the downtown skyline—mediocre but iconic all the same, usually visible somewhere on the horizon.

THE FACTORIES I'D VISIT IN L.A. WERE in the garment business, an industry that makes Hollywood look almost virtuous. In the mid-'90s, Los Angeles saw not only the "Carole Little murders," a string of shootings related to canceled sewing contracts, but also the discovery, in nearby El Monte, of about 70 Thai garment workers imprisoned in a barbed-wire complex and working essentially as slaves. Not surprisingly, people in this line of work hadn't traditionally fretted over the nuances of overtime law. Now, several years later, they had to pretend they cared, and people like me were coming by to check. The law-breaking at my own office turned out to be instructive. When I'd ask a factory worker, "Do you work off the clock to finish your quota?" it was more than just words. After all, I, too, could answer yes.

IN THE END, THINGS AT WORK TOOK A surprising turn: some former employees filed suit. They'd found a useful piece of evidence, an e-mail so careless that litigators probably fainted from rapture. Suddenly, supervisors started approving overtime work. All injustices should be righted so easily.

PRESSURE IS EASY TO FEEL BUT HARD TO see, and, on the face of it, my company broke no laws. It worked like this: Putting in overtime to meet a deadline was essentially forbidden, but no one could finish the work in the time allotted. Everyone quickly got the message. Of course, when the lawsuit began, so did the covering up and the talk of "misunderstandings." The company heads even tried to pass the blame down to subordinates—our friends—who had supposedly taken things too far, but everyone knew it was nonsense.

AT LEAST OUR COMPANY DIDN'T HIRE James Schlesinger to look into things. Schlesinger—who, in the 1970s, variously held the posts of CIA director, energy secretary, and secretary of defense—recently headed a panel put together by Donald Rumsfeld to look into Abu Ghraib. It issued the report in my luggage. Schlesinger would surely have found fault with my supervisor, who was my friend, saying she "failed to initiate action to request additional" overtime hours "after it became clear there were insufficient" hours to finish the job. Company chiefs, on the other hand, would have been faulted only for "confusing and inconsistent" policies on overtime that could have "contribute[d] to the belief" that off-the-clock work was "condoned."

TO BE FAIR TO SCHLESINGER, I KNOW inspections are tricky. Armed with a brush that can blacken reputations, you get cautious. Also, somebody hired you. If Wal-Mart had sent me to inspect a factory, I'd have criticized the factory, not Wal-Mart. I'd never say that Wal-Mart's ability to combine a stated devotion to high labor standards with an apparent preference for the lowest bidder seemed a bit uncanny. I'm sure I could use nicer words like "inconsistencies" or "confusion."

OF COURSE, THOUGH, NOTHING WAS inconsistent about my company's policy on off-the-clock work—it just never appeared in the handbook. Organized, unlawful behavior rarely comes from an explicit order. There are easier ways. When Red Cross officials met in January with Colin Powell, Condoleezza Rice, and Paul Wolfowitz to voice their concerns about abuses in U.S. detention facilities, the response was, effectively, silence. That was policy enough.

AT MY COMPANY, AT LEAST, WE WERE lucky. The little guy won. With Abu Ghraib, corporals and privates will go to prison while Cabinet members will keep their posts. The investigations continue, but it is becoming clear that no one will acknowledge the essential story: Those at the top insisted on certain results but wouldn't spell out how to get them. Great crimes happen this way, even as those who cause them plead ignorance. It's how the prisoner is tortured and the king is rid of the meddlesome priest. To demand the ends while refusing to discuss the means is, finally, to demand the means. Unfortunately, no one says this to the boss.

TOM FRANK

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Three Cheers for the Electoral College

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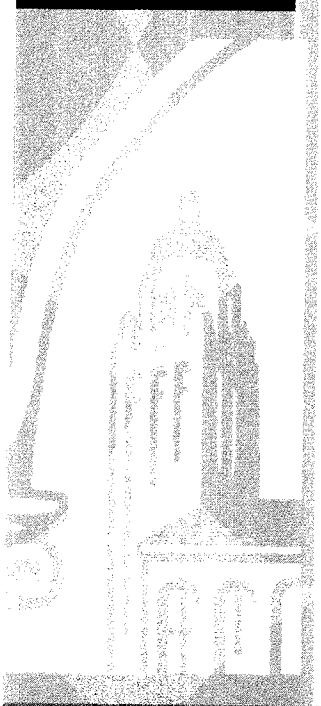

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The prospect of another close presidential election has some people demanding that the nation's Electoral College be reformed. It's one reason to hope that whichever party prevails this November does so decisively, to discourage any change in how America chooses its leaders.

At present, 270 electoral votes are required to win the presidency—each state's electoral count is the same as its congressional delegation (California, for example, with 53 House members and 2 senators, has 55 electoral votes). All but two states—Maine and Nebraska—award their electoral votes on a winner-take-all basis that does not take into account margin of victory. Thus there is room for controversy, such as that which occurred four years ago when George W. Bush earned 271 electoral votes to Al Gore's 266, despite Mr. Gore's winning the popular vote. It was the third time since the Civil War that the presidency has been decided by such a split verdict.

But **does the outcome four years ago—and the outside chance that the pattern could repeat itself this fall—merit a change to the Constitution?** The answer is a resounding no, when one considers many of the alternatives. Those include

1. *Popular vote.* Scrap the Electoral College: whichever candidate gets the most votes gets the top office.

2. *Popular bonus.* Retain the current system, but give the winner of the popular vote extra electoral votes as a reward for carrying a state's popular vote.

3. *Congressional districts.* Instead of winner-take-all, award electoral votes per congressional district (this is the system in effect in Maine and Nebraska).

4. *Proportional allocation.* Divide each state's electoral votes according to the popular vote (such a change is on the ballot in Colorado this November).

Unfortunately, America's smaller states stand to lose if any of these reforms take place. Candidates would spend more time in larger states where there are a greater number of votes and, potentially, greater rewards. Big states, with their large media markets, would dominate the fall campaign. That would make for a tactical and stylistic change: presidential elections based more on mass marketing in urban areas than on retail political skills in rural communities. Ironically, that's the polar opposite of how the two parties choose their nominees: sizing up candidates as they go door to door in small towns in Iowa and New Hampshire.

Over the past 200 years, some 700 proposals have been introduced in Congress to reform or eliminate the Electoral College. Instead, lawmakers should recognize the realities of these times: in the past three presidential elections, no candidate achieved 50 percent of the vote. Although he did lose the popular vote by 0.5 percent of the national total, Mr. Bush nevertheless carried 30 of the 50 states, 228 of the 435 congressional districts, and 2,480 counties to Mr. Gore's 674.

In this regard, **the Electoral College narrowly chose a winner based on his performance as the candidate with broader national appeal. Come to think of it, it is a *national* election, not a regional choice.**

—Bill Whalen

Bill Whalen is a research fellow at the Hoover Institution.

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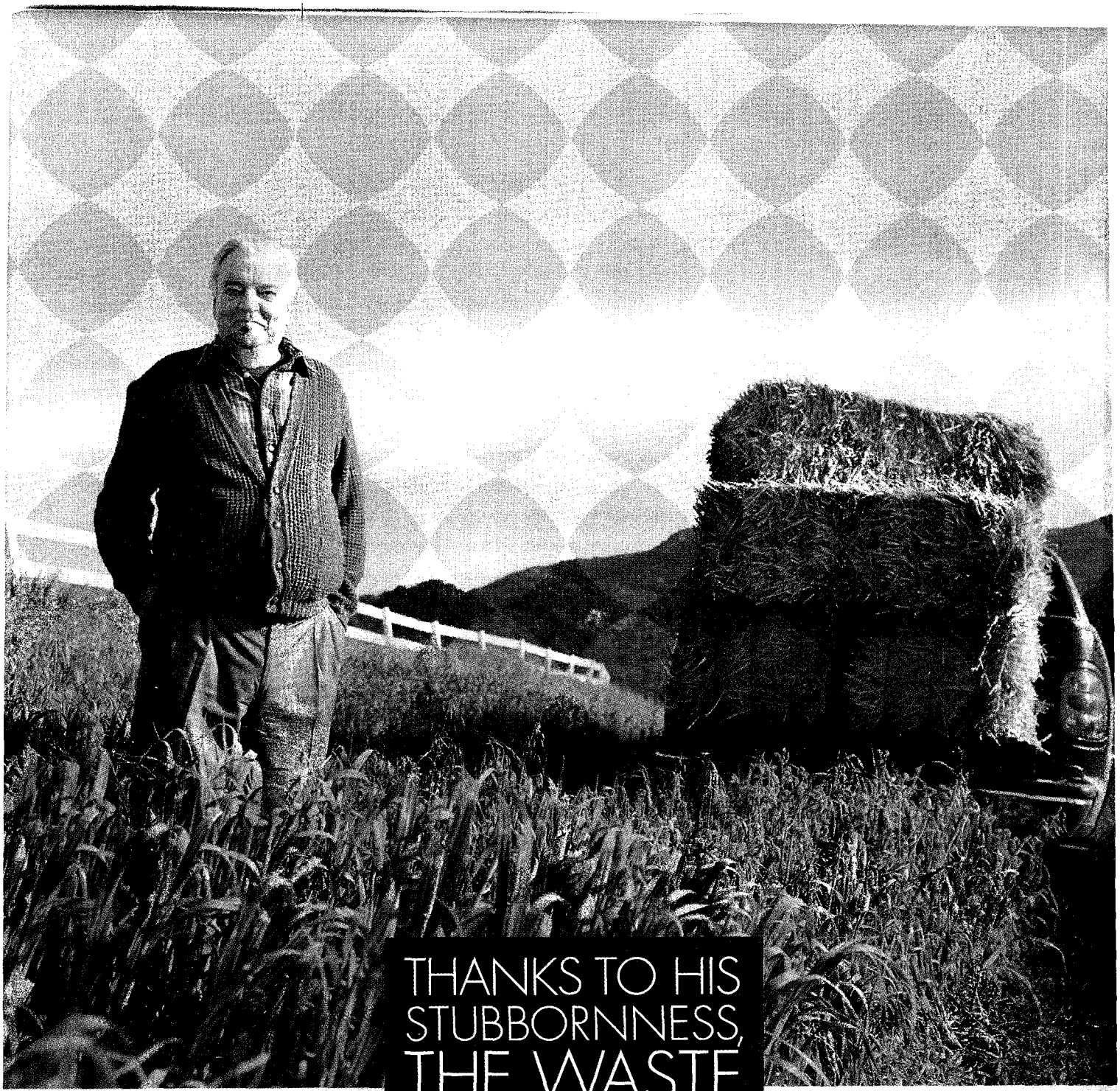

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